

# EXHIBIT D

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION  
ANNABEL MELONGO, )  
)  
Plaintiff, )  
)  
vs. ) No. 13-cv-04924  
)  
ASA ROBERT PODLASEK, et al., )  
)  
Defendants. )

The deposition of DETECTIVE WILLIAM MARTIN, called by the Plaintiff, pursuant to notice and in accordance with the applicable provisions of the Federal Rules of Civil Procedure of the United States District Courts pertaining to the taking of depositions, taken before MARYBETH ROESSLER, CSR, RPR, CSR License No. 084-002864, a notary public within and for the County of Will and State of Illinois, taken at 180 North LaSalle Street, Chicago, Illinois, on Tuesday, May 8, 2018, commencing at about the hour of 8:35 a.m.

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## PLAINTIFF'S DEPOSITION

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possible that one of my colleagues, Michael Shakman, who also represents Miss Melongo will be coming in and out during the day.

By Ms. Schwartz:

Q Would you state your name?

A Detective William Martin.

Q Do you prefer I refer to you as Detective Martin today?

A It doesn't matter.

Q I'll go with Detective Martin, unless you have an issue with that.

A No, that's fine.

Q Detective Martin, have you ever been deposed before?

A Yes, I believe so, once.

Q When was that deposition?

A Oh, gosh. I don't recall the exact date. Roughly 1998 maybe. And then again -- actually, twice. I'm trying to think of when that was. Probably 2012 maybe, a separate incident.

Q And let's start with the 1998 deposition.

Was that a litigation in which you were a party, a defendant or a plaintiff?

(Witness duly sworn.)

DETECTIVE WILLIAM MARTIN, called as a witness herein, having been first duly sworn, was examined and testified as follows:

## EXAMINATION

By Ms. Schwartz:

Q Good morning, Detective Martin.

A Good morning.

Q My name is Julia Schwartz. I represent the Plaintiff Annabel Melongo in this case.

Before we get started I'll ask everyone in the room to announce themselves so you know who they are. I'll also note that Shirley Calloway, who represents Defendant Kyle French, is on her way and she will be joining us shortly.

MR. KAPLAN: My name is Eric Kaplan. I'm representing the deponent.

MR. WUNDER: Chris Wunder. I have the deponent as well.

MS. BROWN: Bianca Brown, all Cook County Defendants.

MS. NINFO: Dina Ninfo, Carol Spizzirri.

MS. SCHWARTZ: And Miss Melongo is listening in by the conference line as well. It's also

A No. It was an -- we just had information. It was regards to a person that the Schiller Park Police Department had dealings with over the years, and she was a -- I don't know how to call it, but she -- it was one of the Walgreens daughters, and they were -- I don't know what they were trying to do as far as the company and the family, trying to disown her or whatever they were trying to do to her, but they wanted our information as far as how many dealings we had with her and the type of interaction we had with her at the time. That's the best I can remember what happened.

Q So the case in which you were deposed in or around 1998 involved a dispute between members of the Walgreens family, in which you were a witness with information?

A Correct.

Q You were not a party?

A Correct.

Q Do you recall the case name or anything about the case other than?

A No. I just remember her and the -- I think it was the guy she was dating in town is

1 about the only thing I remember.

2 Q And the deposition that was in 2012,  
3 were you a party in that case, a plaintiff or  
4 defendant?

5 A No. Same thing. It was -- we had a  
6 witness to information.

7 Q What generally speaking was the facts of  
8 that case, the issues?

9 A There was a chase and the officer --  
10 some of the responding officers, there was some  
11 shots fired and they ended up killing the guy. So  
12 the insurance I think later on for the deceased  
13 wanted information about what I had seen and who  
14 did what at the time.

15 Q So was it a dispute between the  
16 insurance company and the deceased?

17 A I think officers -- no, I think it was a  
18 dispute with the insurance companies suing the  
19 officers that had shot the gentleman.

20 Q And you were a witness but not a  
21 defendant?

22 A Correct.

23 Q Do you recall the name of that case?

24 A No. I just know that one of the main

1 you answer whatever question I have pending, and  
2 then we can take a five-minute break.

3 A Okay.

4 Q I'll also be taking breaks throughout  
5 the day as well.

6 A Okay.

7 Q Detective Martin, is there any reason  
8 that you cannot give truthful and accurate  
9 testimony here today?

10 A No, there is not.

11 Q Are you represented by counsel today?

12 A I am.

13 Q Are these your attorneys sitting next to  
14 you, Mr. Kaplan and Mr. Wunder?

15 A Yes.

16 Q What have you done to prepare for  
17 today's deposition?

18 A Read through my police reports and some  
19 of the prior testimonies that were given.

20 Q And when you say prior testimonies that  
21 were given, are you referring to depositions in  
22 this litigation?

23 A Yes.

24 Q Whose deposition testimony did you

1 police departments was the neighboring town of us,  
2 it's Franklin Park.

3 Q Since this is your third deposition,  
4 you've done this before, but I would just like to  
5 go over some ground rules for today.

6 First, as you can see, we have a court  
7 reporter here today. For her sake, let's try not  
8 to talk over one another. I'll try to let you  
9 finish your answers, if you try to let me finish my  
10 questions; is that fair?

11 A Yes, ma'am.

12 Q Please give verbal answers. Head nods  
13 and uh-uh's don't translate well onto the  
14 transcript; is that fair?

15 A Yes, ma'am.

16 Q If I ask a question and you don't  
17 understand it, will you let me know?

18 A Yes, ma'am.

19 Q If you've answered one of my questions,  
20 I will assume that you understood the question; is  
21 that fair?

22 A Yes.

23 Q If you need a break at any time, please  
24 do let me know. The only thing I would ask is that

1 review?

2 A Kyle French and Shahna Monge.

3 Q Did you review any other deponents'  
4 testimony?

5 A No.

6 Q Apart from your police report, did you  
7 review any other documents in preparation for  
8 today?

9 A The grand jury transcripts.

10 Q Anything else?

11 A The forensic summary.

12 Q Is that Miss Monge's forensic summary?

13 A Correct.

14 Q Anything else?

15 A A couple other pieces of evidence in  
16 regards to the -- more of the emails -- or the  
17 emails that were in question of being forwarded,  
18 but also the email from Tech Support at Web HSP, I  
19 believe. I'm trying to think. I don't think there  
20 was anything else that I can think of off the top  
21 of my head.

22 Q About how much time would you say you  
23 spent preparing for today's deposition?

24 A Maybe six hours or so; about six

1 hours.

2 Q Did you meet with your lawyers before  
3 coming here today?

4 A Yes.

5 Q Apart from your lawyers, did you meet  
6 with or discuss today's deposition with anyone  
7 else?

8 A No.

9 Q Detective Martin, I'd like to go over  
10 general -- some general background about you,  
11 starting with your education.

12 A Okay.

13 Q Let's discuss your education since --  
14 did you graduate from high school?

15 A Yes.

16 Q Let's start with your education after  
17 graduating from high school. Would you walk me  
18 through your educational history?

19 A I went to the University of Illinois  
20 down at Champaign for I think it was two years, but  
21 I transferred from there to the Lewis University in  
22 Romeoville and graduated from there in '92, I  
23 believe, '92 or '93.

24 Q And after graduating from Lewis

1 University, did you have any other education, any  
2 other --

3 A Just like on-the-job training and  
4 things. That's pretty much it that I can think  
5 of.

6 Q In terms of training after -- strike  
7 that.

8 What did you do after you graduated in  
9 1992 or 1993 from Lewis University?

10 A I had several jobs. I'm trying to think  
11 where I started after that. I worked for Nordstrom  
12 for a while through college and then when I  
13 finished college I worked for them for a period of  
14 time.

15 I went to -- I'm trying think what they  
16 were called. It was United Express but they  
17 operated -- they operated under the United Express  
18 flag. I'm trying to think of the name. Great  
19 Lakes Airlines is what they were called.

20 Q And about what years did you work at  
21 Great Lakes Airlines?

22 A '93ish, some time in '93 throughout --  
23 till January of '95, when I got hired at the  
24 Police Department.

1 Q So your full-time employment prior to  
2 becoming a police officer was Nordstrom and  
3 Great Lakes Airlines?

4 A Yes.

5 Q Was there any other full-time employment  
6 before that that you can recall?

7 A Not that I can recall.

8 Q Did you become a police officer in  
9 1995?

10 A I did.

11 Q Did you have to go through any training  
12 before becoming a police officer?

13 A Yeah. I went to Chicago's Police  
14 Academy.

15 Q What year was that that you went to  
16 Chicago's Police Academy?

17 A January of '95 I started.

18 Q How long were you at the  
19 Police Academy?

20 A I believe it was 16 weeks. I believe we  
21 got out some time in April.

22 Q After completing the Police Academy,  
23 what was your next full-time employment?

24 A That was it. I've had -- that's the

1 only one I really ever had since then. I've done  
2 part-time gigs here and there for, you know, a  
3 little bit of money, but nothing formal really.

4 Q When you say that was it, are you  
5 referring to the Schiller Park Police Department?  
6 Did you go straight to the Schiller Park Police  
7 Department?

8 A Yeah. After I graduated the Academy --  
9 Schiller Park sent me. They hired me January 9th  
10 of 1995. I think I started at the Academy on  
11 January 10th. And then that was the only full-time  
12 employment I've had since that time.

13 Q So you've been with the Schiller Park  
14 Police Department full time since 1995?

15 A Correct.

16 Q Let's walk through the roles that you've  
17 had within the Schiller Park Police Department.

18 When you started in 1995, what was  
19 your -- what was your role?

20 A I was just patrolman. Then I think it  
21 was '96 or '97, shortly -- I wasn't a patrolman very  
22 long before I was put into the community policing  
23 unit. And then we did that for a number of years.  
24 I don't recall exactly how long, but I was

1 promote -- rough ball park, nine, ten years.

2 Then I got promoted -- well, I shouldn't  
3 say promoted. I got assigned to the detective  
4 division. But as my -- I currently sit -- we are  
5 patrolman that are just assigned to the detective  
6 division. It's not a promotion. It's just  
7 assigned a duty.

8 Q So you are a patrolman assigned to the  
9 detective unit?

10 A Correct.

11 Q And are you a detective?

12 A Yes.

13 Q Do you go by detective?

14 A Yes.

15 Q And you've been a detective since about  
16 2006, 2007?

17 A 2006, I believe. I think it was 2006,  
18 like March or so of 2006.

19 Q When you were a patrolman in 1995, 1996,  
20 what -- what were your job responsibilities?

21 A Just, you know, responding to calls.  
22 I'm trying to think. We didn't really have many  
23 other than that. We didn't do any proactive stuff  
24 at that point.

1 It was just, you know, you ride with the  
2 training officer for a couple of months, get used  
3 to each of the shifts, and then they would, you  
4 know, allow you to drive and answer calls on your  
5 own.

6 Q So as a patrolman you were mostly  
7 responding to --

8 A Calls for service.

9 Q -- when individuals called the  
10 Schiller Park Police Department?

11 A Yes.

12 Q And then when you were with the  
13 community policing unit, what were your job  
14 responsibilities?

15 A We were assigned to interact with the  
16 public, the business community, trying to establish  
17 relationships and the trust within those parts of  
18 the community in order to better get involvement  
19 from them. Whether it be assisting us with  
20 programs that we were trying to do for the kids or  
21 having the comfort level with the Police Department  
22 to want to come forward with crimes that had been  
23 committed and information that they may have.

24 Q While you were with the community

1 policing unit, did you work on individual  
2 investigations or matters?

3 (At this point in the deposition

4 Ms. Calloway entered the room.)

5 THE WITNESS: No. We were more just assigned  
6 to, you know, -- like we would do neighbor disputes  
7 and things like that. We would try to go to each  
8 one of the neighbors and try to calm the problems  
9 or try and assist them in dealing with their issues  
10 with one another. But that was the only type of, I  
11 guess, follow up after the initial call for  
12 service.

13 By Ms. Schwartz:

14 Q Would you -- while you were working at  
15 the community policing unit would you make arrests,  
16 for instance?

17 A Yes. We were still patrolman. We were  
18 still -- we were assigned to the unit, but should a  
19 call for service need -- an officer needed a backup  
20 or things like that, we were still assigned to the  
21 street. So the street sergeant could say hey, you  
22 know, assign him to that call, and the dispatcher  
23 would send you there. So if they needed help or  
24 they needed backup or something like that, we could

1 still be called to do that kind of thing.

2 Q So while you worked at the community  
3 policing unit, you still had some of the same  
4 responsibilities as a patrolman would, --

5 A Correct.

6 Q -- which was making arrests, following  
7 up --

8 A Correct.

9 Q -- on calls?

10 A And there were times when we were short  
11 employees, you know, guys would leave or whatever  
12 and they were short on a shift, we could  
13 potentially be assigned to a shift. Again, as a  
14 patrolman in that role and not be doing community  
15 policing. We would just, you know, follow the same  
16 schedule.

17 Normally when you were in community  
18 policing, you had a specific schedule and time that  
19 you worked like an eight hour time block that was  
20 different from what the actual patrol shifts were.

21 So when you were assigned to patrol, you  
22 would just go back and follow that schedule.

23 Q In terms of your assignment to the  
24 detective division, which you testified is where

1 you are currently working at Schiller Park  
2 Police Department, what were your -- are your  
3 responsibilities as a detective in the detective  
4 division?

5 A We would -- we follow up cases in a  
6 sense where there is a call for service and  
7 potentially we don't have an arrestee in custody  
8 yet, we would basically look for information and  
9 attempt to discover who the offender might be, and  
10 then arrest that offender.

11 Q Do you focus on cases where there is  
12 some investigative work that needs to be done prior  
13 to arrest, is that what you do as a detective?

14 A Yes.

15 Q How does your role as a detective differ  
16 from your previous role as a patrolman?

17 A When a patrolman is assigned to a case  
18 -- or a call, they basically just get the who,  
19 what, where, when, why and how. It's very basic.

20 Whereas, when we are assigned that  
21 follow up, we have to dig further. We have to look  
22 into things, and potentially may discover more  
23 ev -- how do I say this -- more evidence, more  
24 suspects, and you tend to develop more leads than

1 I can't think of anything -- that's  
2 pretty much it. There is a number of them, but  
3 it's all related to the same types of things.

4 Q In terms of computer-related crime  
5 training, what does -- what have those trainings  
6 focused on?

7 A It started off with more the internet  
8 crimes against children training in the sense of  
9 gathering evidence relating to child exploitation  
10 and undercover operations and undercover chats.

11 Q Any other types of computer crime  
12 training?

13 A Yeah. That's -- I started there and  
14 then I moved into more of the identity theft and  
15 how those crimes are perpetrated and gathering  
16 evidence relating to IP addresses and email  
17 addresses, and then on-line activity, social media  
18 activity. And then just within the last couple  
19 years computers, cell phones and forensics.

20 Q And in terms of these trainings for  
21 computer crime -- crimes, has the focus of any of  
22 those trainings been on how to interpret  
23 computer-related evidence?

24 A Yes.

1 just specifically documentation of what may have  
2 occurred.

3 Q Did you receive any training to become a  
4 detective?

5 A Yes.

6 Q What was that training?

7 A I took I believe it was a 40-hour class.  
8 I -- I think it's a NEMRT class, Northeast  
9 Multi-Regional Training I think it stands for.

10 Q And what was the purpose of the  
11 training?

12 A There is -- just, you know, they have  
13 different classes that they have to provide to  
14 police officers, and this one was the 40-hour  
15 detective class.

16 Q Since becoming a detective have you  
17 participated in any other training?

18 A Yes, several.

19 Q Can you name a few examples?

20 A Elderly training -- I'm trying to think  
21 of what they call it, but it's crimes against the  
22 elderly, gang crimes, computer-related crimes,  
23 identity theft-related crimes, crime prevention  
24 training.

1 Q And had you participated in those  
2 computer crime trainings -- in any of those  
3 computer crime trainings by 2006, before 2006?

4 A Yeah, I had a few by then. I'm trying  
5 to think. Early 2000s I started doing that,  
6 getting into some of that.

7 Q Did you specialize -- have you  
8 specialized at all as a detective within the  
9 detective unit?

10 A My chief when I first started wanted to  
11 have guys that were specialized in specific things.  
12 Like, for instance, you know, computers and that  
13 type of stuff, cybercrime. And then we had a guy  
14 that was specifically going to do homicides, but as  
15 guys -- we had older guys in the unit when I got  
16 in. So as those guys were transitioning out, the  
17 chief at the time -- actually lieutenant, then  
18 chief, wanted to have these newer guys that were a  
19 little younger and more adapt at using computers  
20 and things be part of a specific unit, but that  
21 never materialized really.

22 I mean, unofficially he would give you  
23 the title, but it was never really specifically on  
24 paper a unit that was designed or developed.

<p style="text-align: right;">Page 25</p> <p>1 Q Did you ever officially or unofficially</p> <p>2 have a specialization in computer crimes?</p> <p>3 A Yeah. I mean, he basically told me</p> <p>4 flat-out that he wanted me to be the cybercrimes</p> <p>5 guy.</p> <p>6 Q When did he tell you that, what year?</p> <p>7 A Back when I first started in like</p> <p>8 2006-ish when he wanted me in there, maybe even a</p> <p>9 little before that. He was the kind of guy that</p> <p>10 kind of promised you things and made you want to be</p> <p>11 one of his team.</p> <p>12 Q Did you focus -- starting in 2006 and</p> <p>13 onward, did you focus exclusively on computer</p> <p>14 crimes or did you work on many types of cases?</p> <p>15 A No, we had everything. It was just that</p> <p>16 he wanted you to know this in case one of these</p> <p>17 cases came in. He wanted to be able to have you be</p> <p>18 assigned to it.</p> <p>19 Q When you say he, who are you referring</p> <p>20 to?</p> <p>21 A My lieutenant at the time,</p> <p>22 Lieutenant Schulze.</p> <p>23 Q Was Lieutenant Schulze your supervisor</p> <p>24 in 2006?</p>	<p style="text-align: right;">Page 27</p> <p>1 Q When did Lieutenant Fargakis become your</p> <p>2 supervisor?</p> <p>3 A Right after Lieutenant Schulze was</p> <p>4 promoted. Within a couple of months</p> <p>5 Lieutenant Fargakis came in by us, and then I'm</p> <p>6 trying to think when he got promoted, but in</p> <p>7 2013 -- I think 2017 is when he got promoted.</p> <p>8 Q So Lieutenant Fargakis would have been</p> <p>9 your supervisor from around 2011 to around 2017?</p> <p>10 A Correct.</p> <p>11 Q About how many cybercrimes trainings</p> <p>12 would you guess that you've done over the years?</p> <p>13 A Maybe 20.</p> <p>14 Q Do you consider yourself to be an expert</p> <p>15 in cybercrimes investigations?</p> <p>16 MR. KAPLAN: Object to the term expert.</p> <p>17 Go ahead and answer.</p> <p>18 THE WITNESS: No.</p> <p>19 By Ms. Schwartz:</p> <p>20 Q In terms of the structure of the</p> <p>21 Schiller Park Police Department, the detective</p> <p>22 unit, that's the unit you're within today?</p> <p>23 A Correct.</p> <p>24 Q Is there any additional subdivisions</p>
<p style="text-align: right;">Page 26</p> <p>1 A Yes.</p> <p>2 Q And is he still your supervisor today?</p> <p>3 A No, he's gone.</p> <p>4 Q Who is your supervisor now?</p> <p>5 A He is the deputy chief of the Police</p> <p>6 Department, his name is Joe DeSimone.</p> <p>7 Q When did Lieutenant Schulze stop being</p> <p>8 your supervisor, what year?</p> <p>9 A If I had to -- if I had to guess, I'd</p> <p>10 say 2011 he was promoted to chief.</p> <p>11 Q And after that Lieutenant Schulze was</p> <p>12 still within the Schiller Park Police Department</p> <p>13 but he was not your direct supervisor?</p> <p>14 A Correct.</p> <p>15 Q But as chief he runs the entire</p> <p>16 Schiller Park Police Department?</p> <p>17 A Correct.</p> <p>18 Q After Lieutenant Schulze was your</p> <p>19 supervisor then Lieutenant DeSimone?</p> <p>20 A No, it was Lieutenant Fargakis, and then</p> <p>21 when he got promoted to chief then it became Joe.</p> <p>22 Q What years was it lieutenant -- could</p> <p>23 you spell -- say and spell the name again?</p> <p>24 A His name is Fargakis, F-a-r-g-a-k-i-s.</p>	<p style="text-align: right;">Page 28</p> <p>1 within the Schiller Park Police Department</p> <p>2 detective unit?</p> <p>3 A No.</p> <p>4 Q So just one big general unit?</p> <p>5 A Well, I wouldn't say big, but yeah.</p> <p>6 Q How many people are in the detective --</p> <p>7 A Four.</p> <p>8 Q There are four detectives?</p> <p>9 A Yes.</p> <p>10 Q Detective Martin, I'd like to discuss</p> <p>11 your relationships with the other parties in this</p> <p>12 litigation.</p> <p>13 First before I go through each of the</p> <p>14 parties, just generally speaking have you spoken or</p> <p>15 communicated with anybody, parties or otherwise,</p> <p>16 about this lawsuit?</p> <p>17 A No.</p> <p>18 Q You haven't spoken to any of the other</p> <p>19 defendants in this case about this litigation?</p> <p>20 A No.</p> <p>21 Q I want to ask you now about the other</p> <p>22 parties in this case.</p> <p>23 Do you know who Robert Podlasek is?</p> <p>24 A I do.</p>



1 Q How do you know Robert Podlasek?  
 2 A He was one of the State's Attorneys that  
 3 was assigned to handle this case.  
 4 Q Have you ever met Mr. Podlasek in  
 5 person?  
 6 A Yes.  
 7 Q Were your meetings with  
 8 Mr. Podlasek related to Miss Melongo's case?  
 9 A Yes.  
 10 Q Have you ever met Mr. Podlasek outside  
 11 of any dealings related to Miss Melongo's case?  
 12 A Other than in passing like when I was  
 13 handling other cases within his office, I would see  
 14 him and just say hello.  
 15 Q But Mr. Podlasek was not the ASA  
 16 assigned to any other cases --  
 17 A No.  
 18 Q -- you've worked on?  
 19 A No.  
 20 Q Have you ever socialized with  
 21 Mr. Podlasek outside of a work setting?  
 22 A Not that I recall, no.  
 23 Q Have you ever sent text messages to  
 24 Mr. Podlasek?

1 A I may have during the case. I don't  
 2 recall if I did or not.  
 3 Q Do you know who Julie Gunnigle is?  
 4 A Yes.  
 5 Q How do you know Julie Gunnigle?  
 6 A I met her I believe one time in regards  
 7 to this case where she was I believe one of the  
 8 State's Attorneys that was assigned.  
 9 Q Apart from that one time you met  
 10 Miss Gunnigle, did you have other communications or  
 11 interactions with Miss Gunnigle?  
 12 A Just in reference to her arranging  
 13 meetings with the State's Attorney's Office during  
 14 the prosecution. Like we would go have to prep or  
 15 something or there was a motion up that we would  
 16 need to come down and be available for.  
 17 Q Did you have phone calls or emails or  
 18 other communications with Miss Gunnigle ever?  
 19 A Not that I recall.  
 20 Q You testified that you met with  
 21 Miss Gunnigle maybe one time.  
 22 What do you recall about that meeting  
 23 with Miss Gunnigle?  
 24 A It was just preparation for whatever was

1 up, whatever motion or hearing. I don't recall  
 2 specifically what it was, but that's about the only  
 3 time I remember ever talking to her.  
 4 Q Do you recall when, what year that would  
 5 have been?  
 6 A No idea.  
 7 Q Do you recall anything about the  
 8 substance of that conversation with  
 9 Miss Gunnigle?  
 10 A No.  
 11 Q Do you know who Kate Garcia is?  
 12 A I do.  
 13 Q How do you know Kate Garcia?  
 14 A She is an investigator with the State's  
 15 Attorney's Office, I believe. She was actually in  
 16 Schiller Park investigating a matter several years  
 17 ago and we had -- you know, I'd see her in passing.  
 18 I was introduced to her once while she was there,  
 19 and I've seen her a few things afterwards at things  
 20 and different trainings and within their office.  
 21 Q Did you ever work with Kate Garcia on  
 22 anything related to Miss Melongo, Carol Spizzirri  
 23 or the Save a Life Foundation?  
 24 A Not that I recall, no.

1 Q The matter you're referring to in which  
 2 Miss Garcia was working with Schiller Park did not  
 3 relate to Miss Melongo?  
 4 A No.  
 5 Q When you met with -- met Kate Garcia,  
 6 were you aware that you were both defendants in  
 7 this litigation?  
 8 A No. I believe it was prior to that.  
 9 Q You haven't talked to Miss Garcia about  
 10 this litigation?  
 11 A No.  
 12 Q Have you ever socialized with  
 13 Miss Garcia outside of a work setting?  
 14 A She and her husband were guests at our  
 15 golf outing. They have a child that has some  
 16 medical issues, and the FOP raised money for her  
 17 and her child actually, and some of those medical  
 18 bills to assist the family. So she was at our golf  
 19 outing and dinner and stuff that transpired  
 20 there.  
 21 Q What does FOP stand for?  
 22 A Fraternal Order of Police. It's our  
 23 labor union.  
 24 Q Apart from the golf outing about which

<p style="text-align: right;">Page 33</p> <p>1 you just testified, have you socialized or</p> <p>2 interacted with Kate Garcia outside of a work</p> <p>3 setting any other time?</p> <p>4 A Not that I recall, no.</p> <p>5 Q Do you know who James Dillon is?</p> <p>6 A No.</p> <p>7 Q You never interacted or met with</p> <p>8 James Dillon?</p> <p>9 A Not that I know of.</p> <p>10 Q Do you know who Antonio Rubino is?</p> <p>11 A No.</p> <p>12 Q You never interacted with</p> <p>13 Antonio Rubino?</p> <p>14 A Not that I recall, no.</p> <p>15 Q Do you know who Richard Lesiak is?</p> <p>16 A Nope.</p> <p>17 Q Do you know who Randy Roberts is?</p> <p>18 A No, I don't think I do.</p> <p>19 Q Do you know who Mathew Markos is?</p> <p>20 A No.</p> <p>21 Q Do you know Kyle French?</p> <p>22 A I do.</p> <p>23 Q How do you know Kyle French?</p> <p>24 A Kyle French was I believe an attorney</p>	<p style="text-align: right;">Page 35</p> <p>1 A I believe it was in May of '06.</p> <p>2 Q And what was that in relation to, his</p> <p>3 trip to Schiller Park?</p> <p>4 A In relation to him and his office</p> <p>5 offering assistance in this case.</p> <p>6 Q When you say this case, what are you</p> <p>7 referring to?</p> <p>8 A The Annabel Melongo intru -- and the</p> <p>9 Save a Life intrusion.</p> <p>10 Q How many times have you met in person</p> <p>11 with Kyle French?</p> <p>12 A Less than a handful. I don't recall the</p> <p>13 exact amount.</p> <p>14 Q Is the Save a Life intrusion the only</p> <p>15 matter, investigation that you worked on with</p> <p>16 Kyle French?</p> <p>17 A Yes.</p> <p>18 Q Do you know who Carol Spizzirri is?</p> <p>19 A I do.</p> <p>20 Q How do you know Carol Spizzirri?</p> <p>21 A She was the president and founder of the</p> <p>22 Save a Life Foundation.</p> <p>23 Q Have you met Carol Spizzirri in</p> <p>24 person?</p>
<p style="text-align: right;">Page 34</p> <p>1 with the Attorney General's Office in their high</p> <p>2 tech crimes bureau.</p> <p>3 Q When did you -- have you met</p> <p>4 Kyle French?</p> <p>5 A Yes.</p> <p>6 Q When did you first meet Kyle French?</p> <p>7 A I don't recall if I met him prior to</p> <p>8 this case. Schiller Park was a member -- actually</p> <p>9 Lieutenant Schulze was a member of the Attorney</p> <p>10 General's Internet Crimes Against Children Task</p> <p>11 Force, and he -- prior -- just prior to me becoming</p> <p>12 detective, wanted to get me acclimated with them.</p> <p>13 So he would take me to their quarterly meetings,</p> <p>14 and I may have met him there before then, but</p> <p>15 that's probably would be the only time.</p> <p>16 Q The only time prior to working with</p> <p>17 Mr. French?</p> <p>18 A Yes. If I did, I don't recall if I</p> <p>19 specifically met him, but that would have been the</p> <p>20 only time if -- I don't recall any personal</p> <p>21 interaction with him prior to the -- him coming to</p> <p>22 Schiller Park.</p> <p>23 Q When did he first come to</p> <p>24 Schiller Park?</p>	<p style="text-align: right;">Page 36</p> <p>1 A Yes.</p> <p>2 Q When was the first time you met Carol</p> <p>3 Spizzirri?</p> <p>4 A May 5th when she -- we went to</p> <p>5 Save a Life to speak to her in regards to the</p> <p>6 report she had made.</p> <p>7 Q When you say we, who is we?</p> <p>8 A Myself and Lieutenant Schulze.</p> <p>9 Q About how many times have you met</p> <p>10 Miss Spizzirri in person?</p> <p>11 A Several. I couldn't put a number on</p> <p>12 it.</p> <p>13 Q Have you ever interacted or met with</p> <p>14 Carol Spizzirri outside of a work setting?</p> <p>15 A No.</p> <p>16 Q Have you ever socialized with</p> <p>17 Miss Spizzirri, had a drink, gone to an event,</p> <p>18 anything like that?</p> <p>19 A No.</p> <p>20 Q Do you know who Annabel Melongo is?</p> <p>21 A I do.</p> <p>22 Q How did you first hear about Annabel</p> <p>23 Melongo?</p> <p>24 A When we went to meet with the people at</p>

1 Save a Life on May 5th.

2 Q That was the first time, May 5, 2006,  
3 that you heard of Miss Melongo?

4 A Correct.

5 Q Have you met Miss Melongo in person?

6 A I have.

7 Q How many times have you met Miss Melongo  
8 in person?

9 A Specifically where I'm having a  
10 discussion with her? Because I've seen her in  
11 person like obviously in court, so as far as  
12 personal interaction with her, I would say just two  
13 that I know of, other than in appearances in  
14 court.

15 Q So two personal interactions in which  
16 you had some conversation with Miss Melongo and  
17 then also you saw her in court?

18 A Correct.

19 Q What were the two instances in which you  
20 had some interaction with Miss Melongo?

21 A Once at her home and then once at the  
22 police station I believe are the only two.

23 Q When you saw Miss Melongo in court, did  
24 you ever have any personal communication or

1 executed at Miss Melongo's home?

2 A Yes.

3 Q And the fall of 2006 action, you said  
4 that was after Miss Melongo was processed on  
5 charges?

6 A It was after the arrest warrant was  
7 issued, she came to the police station to be  
8 processed on the original charges.

9 Q So it was during the time -- around the  
10 time that she was processed?

11 A Yes.

12 Q Apart from those instances we just  
13 discussed, the interaction at Miss Melongo's house,  
14 interaction at the police station in the fall of  
15 2006 and court appearances at which you were  
16 present, do you recall meeting Miss Melongo any  
17 other time?

18 A No.

19 Q What was your role related to  
20 Miss Melongo's criminal cases?

21 A I was assigned as the investigating  
22 detective.

23 Q Who gave you that assignment?

24 A Lieutenant Schulze.

1 conversations with her then?

2 A No.

3 Q Have you ever spoken to Miss Melongo on  
4 the phone?

5 A I don't recall if I did at all.

6 Q Have you ever communicated with  
7 Miss Melongo over email or text message, anything  
8 like that?

9 A Not that I recall, no.

10 Q The two times that you testified that  
11 you communicated in person with Miss Melongo, once  
12 at her house, once at the police station, what  
13 dates were those two communications?

14 A I don't know the exact dates of when I  
15 talked to her. I believe at her home was in June  
16 or July of '06 and then later on in the year of '06  
17 when the charges -- after the charges were  
18 approved, she came to the police station to be  
19 processed on the charges.

20 Q That would have been fall or winter of  
21 2006 as well?

22 A Fall. It wasn't winter.

23 Q When you spoke to her at her home, are  
24 you referring to the time when a search warrant was

1 Q Did you have any involvement in the  
2 decision to assign -- to be assigned to that  
3 case?

4 A No.

5 Q As the investigating detective, what did  
6 you do related to Miss Melongo's case or the  
7 Save a Life Foundation?

8 A I would gather the evidence that was  
9 available to me, and then I brought that evidence  
10 to the -- well, with the assistance of Mr. French  
11 and his unit, we were able to take that evidence to  
12 the State's Attorney's Office for review and  
13 eventually approval of the charges.

14 Q You testified earlier that you first met  
15 Carol Spizzirri on May 5, 2006; is that correct?

16 A Yes.

17 Q What do you recall about that meeting on  
18 May 5, 2006 with Carol Spizzirri?

19 A Just that her and some of her  
20 executives -- I don't recall exactly who, they  
21 provided further insight as to the details that the  
22 initial officer had put into his report, and kind  
23 of clarified some of the documentation that they  
24 provided him as far as how it related to the claims

<p style="text-align: right;">Page 41</p> <p>1 that they were making as to the crime that had been 2 committed.</p> <p>3 Q So let's take a step back. 4 What caused you to go meet with 5 Carol Spizzirri on May 5, 2006?</p> <p>6 A Well, Save a Life called the police 7 station, reported that a crime had been committed. 8 The initial officer responded to the scene, took a 9 -- the initial report. And then came back to 10 Schiller Park Police Department and obviously 11 notified Lieutenant Schulze, who then had me 12 assigned and then we went to talk to her.</p> <p>13 Q Who was the initial officer?</p> <p>14 A I don't recall. I believe it was 15 Officer Marrazzo, but I don't know for sure.</p> <p>16 Do you want me to spell it?</p> <p>17 Q How do you spell Officer Marrazzo?</p> <p>18 A M-a-r-r-a-z-z-o.</p> <p>19 Q So Officer Marrazzo or the initial 20 officer first met with Carol Spizzirri of the 21 Save a Life Foundation, and then you met with 22 Carol Spizzirri on a separate, separate occasion; 23 is that correct?</p> <p>24 A Yeah. He -- he went there I believe</p>	<p style="text-align: right;">Page 43</p> <p>1 the two Save a Life servers had been accessed?</p> <p>2 A Because the data had been deleted.</p> <p>3 Q Did Carol Spizzirri tell you why she 4 believed someone had viewed her personal email 5 account?</p> <p>6 A She had received an email from another 7 one of her employees that was able -- part -- 8 included in the body of the message there was -- I 9 think it said something along the lines that it had 10 been forwarded to a Yahoo account.</p> <p>11 Q Did you see that email when you met with 12 Miss Spizzirri on May 5, 2006?</p> <p>13 A Yes. I believe she provided us a copy 14 of it.</p> <p>15 Q And that email said that an email from 16 Miss Spizzirri's account had been forwarded to 17 another account?</p> <p>18 A No. I believe it had -- at that point 19 we -- there was what was listed as the FW, which 20 means forward, and there was forwarded to a Yahoo 21 account. And then they had a header for a specific 22 email showing an IP address outside of their 23 internal network.</p> <p>24 Q What did that IP address correspond to</p>
<p style="text-align: right;">Page 42</p> <p>1 earlier in the day, and then he came back, and 2 after he had either completed his report or 3 whatever, he notified Lieutenant Schulze of what 4 had transpired or what was being alleged. And then 5 he assigned me and said hey, let's go over there. 6 But it was the -- I believe it was the same day 7 even.</p> <p>8 Q Who was present when you met with Carol 9 Spizzirri on May 5, 2006?</p> <p>10 A I don't recall who exactly was there 11 other than her. There may have been other 12 executives. I don't recall specifically.</p> <p>13 Q What did Carol Spizzirri tell you during 14 that meeting?</p> <p>15 A Just that they had two servers that had 16 been accessed -- what they believe to have been 17 accessed remotely and data was deleted off of those 18 servers.</p> <p>19 And then also she believed that someone 20 had been viewing her personal Save a Life emails, 21 and then they alleged that one of those -- I 22 shouldn't say one, but emails had been removed from 23 that account and transferred to another account.</p> <p>24 Q Did she tell you why she believed that</p>	<p style="text-align: right;">Page 44</p> <p>1 on the header of the email that you viewed on 2 May 5, 2006?</p> <p>3 A I'm not understanding you as far as 4 corresponding to.</p> <p>5 Q You testified that there was an email 6 Miss Spizzirri showed you on May 5, 2006. There 7 was an IP address shown in the header of the email, 8 correct? Is that what -- was that your testimony?</p> <p>9 A One of the -- there was one in the -- 10 one of a couple that was inside this header that 11 didn't -- was not one of their internal IP 12 addresses.</p> <p>13 Q And did that IP address in the header of 14 the email that you viewed on May 5, 2006, did that 15 IP address correspond to an email that was 16 forwarded out of Carol Spizzirri's account?</p> <p>17 A I'm not understanding correspond. The 18 header provided us a -- I'm trying to think of the 19 word -- a path as to the direction or path that 20 this email took and that the starting point of that 21 was an IP address that was not one of their 22 internal ones and not from their web host, I guess, 23 or email host.</p> <p>24 Q Did Miss Spizzirri during that meeting</p>

1 on May 5, 2006, did Miss Spizzirri say anything  
2 about who she suspected could have been involved in  
3 the alleged intrusion on Save a Life's systems and  
4 the alleged email forwarding?

5 A Yes.

6 Q What did she say?

7 A They listed I believe in the initial  
8 report that they suspected their ex-IT  
9 administrator has committed these crimes because  
10 in -- the forwarding address was similar to that of  
11 her name.

12 Q When you say the forwarding address was  
13 similar to that of her name, what do you mean?

14 A The forwarding address of the email that  
15 was shown in the header that they saw was forwarded  
16 to a Yahoo email address that was listed, that the  
17 user name or the email account was Melongo -- I  
18 believe it was Melongo\_Annabel, so it's similar to  
19 her name.

20 Q Did Carol Spizzirri tell you why -- did  
21 Carol Spizzirri indicate whether she thought  
22 Miss Melongo had anything to do with the alleged  
23 intrusion on Save a Life Foundation's servers?

24 A She believed that she did.

1 Q Did she say why she believed that?

2 A I don't recall if she specifically  
3 stated why.

4 Q Do you recall anything else  
5 Miss Spizzirri said to you during that meeting on  
6 May 5, 2008 -- 2006?

7 A No.

8 Q What did you say to Miss Spizzirri or  
9 any of the other people present at that May 5, 2006  
10 meeting?

11 A I don't recall anything specifically  
12 that I said to them.

13 Q Did Miss Spizzirri or anyone else during  
14 that May 5, 2006 meeting tell you anything about  
15 Miss Melongo?

16 A I don't recall anything specific about  
17 her other than she was their IT administrator.

18 Q Did she tell you anything about her  
19 employment with Save a Life Foundation?

20 A She said that they terminated her. I  
21 believe it was several days prior, like April 27, I  
22 think was the date that they actually had let her  
23 go.

24 Q Did Carol Spizzirri tell you anything

1 else about Miss Melongo's termination?

2 A Not that I recall specifically, no.

3 Q What did you do related to the Save a  
4 Life Foundation investigation after the May 5, 2006  
5 meeting?

6 A I contacted Yahoo to determine how we  
7 may be able to get the information regarding the  
8 usage of the Yahoo account and what information may  
9 have been captured by them. And we had knowledge  
10 of the IP address that was on the email header that  
11 they -- that it was a Comcast IP address. So I  
12 reached out to Comcast in an attempt to figure out  
13 how to get information from them.

14 Q Did you request information from any  
15 other sources?

16 A Not at that specific moment, no.

17 Q When you say not at that specific  
18 moment, what time frame are you referring to?

19 A Within the first couple of days, the  
20 only thing I recall doing was actually talk -- you  
21 know, talking to Yahoo and Comcast, and then  
22 sending preservation letters to them in regards to  
23 saving the account or taking a snapshot of the  
24 account.

1 Q Did you consider whether to preserve any  
2 evidence from Save a Life Foundation?

3 A I think there was a discussion, but I  
4 don't recall when, and I think it was later on in  
5 that month that because of the fact that the --  
6 Save a Life had hired people to attempt to recover  
7 the data, there had been multiple people doing  
8 multiple things and no one could specifically  
9 attest to what exactly they had done, that we  
10 couldn't have a clear chain of custody as to where  
11 the evidence came from. So the decision I believe  
12 was made to not bother with seizing any computers  
13 from them and/or taking any of their computers for  
14 analysis.

15 Q Their computers referring to Save a Life  
16 Foundation's --

17 A Correct.

18 Q -- computers?

19 A Correct.

20 Q Was the same true with respect to  
21 Save a Life Foundation's servers?

22 A Yes.

23 Q You testified that there was some  
24 discussion about whether it made sense to seize or

<p style="text-align: right;">Page 49</p> <p>1 obtain evidence from Save a Life Foundation's 2 computers and servers. 3 Who was that discussion with? 4 A Well, the other only person would have 5 been Lieutenant Schulze, and then eventually later 6 on potentially Mr. French. 7 Q Do you recall conversations with 8 Lieutenant Schulze and Kyle French about whether to 9 seize or obtain servers at Save a Life 10 Foundation? 11 A Not specific conversations but at the 12 time Lieutenant Schulze was advising me on how to 13 proceed. 14 Q Who made the decision not to seize 15 evidence from Save a Life Foundation's computers or 16 servers? 17 A The servers specifically was myself and 18 Lieutenant Schulze based upon the chain of custody 19 issue. 20 Q And what about the servers, who made 21 those decisions? 22 A Those, the servers. The computers, I 23 don't recall a specific conversation or the reason 24 why, other than the fact that I think that they --</p>	<p style="text-align: right;">Page 51</p> <p>1 from, and that it's the best evidence in relation 2 to being original. 3 So we can't -- we couldn't say for sure, 4 well, this person did this and this person 5 attempted to recover this, and the specific 6 attempts and/or -- I don't want to say functions, 7 but what each -- the actions were of each 8 individual that may or may not have attempted to do 9 something and what specifically they -- what 10 evidence they collected. 11 So if I can't say where a piece of 12 evidence came from, it's not admissible. So I have 13 to say it came from this person. This is the best 14 evidence, and it's original form or as close to the 15 original form as possible. And I have to keep that 16 contained and note who may have accessed it up 17 until the point where it's, you know, in court. 18 Q So with respect to Save a Life 19 Foundation computers and servers, you couldn't 20 state with certainty who had done what actions 21 prior to your involvement in the investigation; is 22 that your testimony? 23 A Correct. 24 Q So taking a step back in terms of when</p>
<p style="text-align: right;">Page 50</p> <p>1 or that Lieutenant Schulze and I decided because 2 the time that had passed and the chain of custody 3 issue, we couldn't verify whether or not anybody 4 had ever tried and attempted to recover anything. 5 Q Who told you about this chain of custody 6 issue? 7 A Lieutenant Schulze. 8 Q Did you talk to anybody at Save a Life 9 Foundation or any other outside individual about 10 the chain of custody issue related to Save a Life 11 Foundation's computers and servers? 12 A As far as talk to them, I think we told 13 them basically the reasoning, but it wasn't a 14 discussion as to whether or not we would do it or 15 not. 16 We would just advise them saying, we're 17 not going to take your -- we're not going to do 18 this analysis because of the chain of custody 19 issue, and explained the chain of custody and what 20 it means to a case. That would be it. 21 Q When you say chain of custody, what do 22 you mean? 23 A We have -- in a criminal case, we have 24 to verify what -- where we got the information</p>	<p style="text-align: right;">Page 52</p> <p>1 you first learned about this chain of custody issue 2 as you called it. 3 Who first told you that there was an 4 issue or potential issue related to chain of 5 custody? 6 MR. KAPLAN: Objection, asked and answered. 7 You can answer. 8 THE WITNESS: Carol Spizzirri I believe showed 9 us an email that she had received from it was 10 Don Peters, I think the guy's name is, in regards 11 to his attempts and his company's attempts, I 12 should say, to recover data after the intrusion on 13 the 28th. 14 By Ms. Schwartz: 15 Q What about that email from Don Peters 16 revealed that there may be a chain of custody 17 issue? 18 A He specifically states in there that he 19 could not provide her with any indication -- or any 20 specific details as to the actions that were taken 21 by what individuals, and he addressed the chain of 22 custody issue. 23 Q Did you ever speak with Don Peters 24 directly?</p>

<p style="text-align: right;">Page 53</p> <p>1 A Yeah, I believe I did, and then I asked</p> <p>2 that he give me a copy of that letter direct from</p> <p>3 him and...</p> <p>4 Q Did he give you a copy of the letter?</p> <p>5 A Yeah, I believe he faxed it over to us a</p> <p>6 couple days later.</p> <p>7 Q When you spoke to him, what did</p> <p>8 Don Peters say?</p> <p>9 A He was basically sticking to what he had</p> <p>10 written to Miss Spizzirri in the sense that he</p> <p>11 couldn't say for any certainty as to the -- who</p> <p>12 performed what steps in the recovery process and</p> <p>13 what information may have been gained by what</p> <p>14 individual.</p> <p>15 Q Did you ask Don Peters any questions</p> <p>16 about the state of the servers or the computers at</p> <p>17 Save a Life Foundation?</p> <p>18 A I don't recall any specific questions I</p> <p>19 may have asked him.</p> <p>20 Q Do you recall anything else about the</p> <p>21 conversation you had with Don Peters?</p> <p>22 A No.</p> <p>23 Q Was there only one conversation you've</p> <p>24 ever had with Don Peters?</p>	<p style="text-align: right;">Page 55</p> <p>1 his statement of chain of custody and the</p> <p>2 discussion I had with Lieutenant Schulze, and</p> <p>3 that's all I can remember at this...</p> <p>4 Q Did you ever ask Carol Spizzirri to view</p> <p>5 her email interface, her sent folder, anything like</p> <p>6 that?</p> <p>7 A I specifically did not, no. Not that I</p> <p>8 recall at least.</p> <p>9 Q It's your testimony that Carol Spizzirri</p> <p>10 was the first person to identify Miss Melongo as</p> <p>11 being a suspect in the alleged intrusion and</p> <p>12 alleged email forwarding?</p> <p>13 MS. NINFO: Objection, it misstates his</p> <p>14 testimony.</p> <p>15 THE WITNESS: I don't recall if it was her</p> <p>16 specifically, but within the meeting there was --</p> <p>17 you know, at least Miss Spizzirri and a couple</p> <p>18 others from Save a Life. So I don't specifically</p> <p>19 know if it was her that gave us the name or if it</p> <p>20 was one of the other people there.</p> <p>21 By Ms. Schwartz:</p> <p>22 Q But it was someone from Save a Life</p> <p>23 Foundation?</p> <p>24 A Correct.</p>
<p style="text-align: right;">Page 54</p> <p>1 A That I remember, yeah.</p> <p>2 Q In terms of the claim that someone had</p> <p>3 forwarded an email from Miss Spizzirri's email</p> <p>4 account to a Yahoo account, what steps did you take</p> <p>5 to determine what that email was?</p> <p>6 A I don't understand what the email was.</p> <p>7 Q I'll rephrase the question.</p> <p>8 Did you collect from Carol Spizzirri or</p> <p>9 Save a Life Foundation any evidence from a computer</p> <p>10 or server specifically about the allegation that an</p> <p>11 email had been forwarded from Miss Spizzirri's</p> <p>12 email account to a Yahoo account?</p> <p>13 A We didn't collect any evidence as far as</p> <p>14 computer evidence. Like we didn't take any of</p> <p>15 their computers for analysis.</p> <p>16 Q That was true with respect to the email</p> <p>17 claim --</p> <p>18 A Correct.</p> <p>19 Q -- allegation as well?</p> <p>20 A Correct.</p> <p>21 Q Why didn't you take any evidence related</p> <p>22 to the computers with respect to the email?</p> <p>23 A I believe it was because of the same</p> <p>24 thing, that the computer evidence or Don Peters',</p>	<p style="text-align: right;">Page 56</p> <p>1 Q Who did you work with on the Save a Life</p> <p>2 Foundation investigation?</p> <p>3 A Lieutenant Schulze, Kyle French, I think</p> <p>4 that's it, as far as the investigation.</p> <p>5 Detective Henn did send a preservation letter.</p> <p>6 Q Is Detective Henn one of your</p> <p>7 colleagues?</p> <p>8 A He was at the time, yes.</p> <p>9 Q Anyone else?</p> <p>10 A Not that I recall, no.</p> <p>11 Q What was Kyle French's role in the Save</p> <p>12 a Life Foundation matter?</p> <p>13 A He and his office provided support in</p> <p>14 regards to the computer evidence and the forensics</p> <p>15 that were done.</p> <p>16 Q How did Kyle French get involved in the</p> <p>17 Save a Life Foundation investigation?</p> <p>18 A I don't recall --</p> <p>19 MR. KAPLAN: How did Kyle French did you say?</p> <p>20 Could you read back the question I just missed</p> <p>21 it.</p> <p>22 By Ms. Schwartz:</p> <p>23 Q How did you Kyle French get involved in</p> <p>24 the Save a Life Foundation investigation?</p>

1 A I don't recall specifically how he  
2 became involved. I just know that he was assigned  
3 by the Attorney General's Office to help.

4 Q Do you know how the Attorney General's  
5 Office got involved in the Save a Life Foundation  
6 investigation?

7 A Not -- I don't off the top of my head,  
8 no.

9 Q You testified earlier that you first met  
10 with Kyle French in May of 2006 about the  
11 Save a Life Foundation?

12 A Correct.

13 Q What do you recall about that meeting  
14 with Kyle French?

15 A Just that he had been assigned to help  
16 us in any way. He had previously had knowledge of  
17 the incident as far as some of the providers,  
18 internet service providers that may -- that were  
19 involved or may have potentially have evidence, and  
20 he sent out some preservation letters on our  
21 behalf.

22 Q Did you describe to him the allegations  
23 you were investigating during that May 2006  
24 meeting?

1 A I'm sure I did, but I don't recall  
2 specifically what was said. I know that, you know,  
3 we would have discussed some of the stuff that we  
4 had been provided from Save a Life and potentially  
5 the course of the investigation, a guide as to how  
6 to proceed further.

7 Q Did you provide Kyle French with any of  
8 the emails or other documents related to the  
9 investigation?

10 A I don't specifically -- I don't know  
11 specifically I gave him a copy of them, but I would  
12 show him some of the -- you know, what we had had  
13 or would have been provided at that point.

14 Q What was the division of labor between  
15 you and Kyle French in working on the Save a Life  
16 Foundation matter?

17 A Can you describe division of labor?

18 Q Was one of the lead or?

19 A He was assigned just to assist me and  
20 clarify some of the terminology potentially that we  
21 may need to use in regards to the preservation  
22 order or to eventually later on the search warrant.  
23 You know, the language that needed to be put in to  
24 there to get the proper results back.

1 Q When you say the search warrant, what  
2 search warrant are you referring to?

3 A The search warrant for Yahoo and  
4 eventually later on he helped provide assistance in  
5 getting the approval of the search warrant for  
6 Miss Melongo's home.

7 Q Did you consider yourself the lead  
8 investigator with respect to the Save a Life  
9 Foundation investigation?

10 A Yes. It was a Schiller Park case, so it  
11 would be ours to handle.

12 Q Do you recall anything else about your  
13 first meeting with Kyle French?

14 A No.

15 Q I'm handing Detective Martin Plaintiff's  
16 Deposition Exhibit 1, Bates numbered CCSAO 000546  
17 to 547.

18 (A document was marked Plaintiff's  
19 Deposition Exhibit Martin No. 1  
20 for identification.)

21 By Ms. Schwartz:

22 Q Do you recognize Exhibit 1,  
23 Detective Martin?

24 A Yes, I do.

1 Q What is Exhibit 1?

2 A It is the initial report completed by  
3 Officer Marrazzo.

4 Q Does this refresh your recollection as  
5 to who the initial officer was on the case?

6 A It does.

7 Q And that's Officer Marrazzo?

8 A Correct.

9 Q Is that his signature down at the bottom  
10 left?

11 A It is.

12 Q And had you reviewed this report prior  
13 to today?

14 A Yes.

15 Q Is it a true and accurate copy of the  
16 May 5, 2006 police report?

17 A It appears to be, yes.

18 Q If you turn to the second page of  
19 Exhibit 1, it says R/O was dispatched to  
20 9950 Lawrence Avenue, Suite 300, for a report of  
21 computer tampering. Upon arrival R/O spoke to the  
22 reverse listed complainant/victim/company president  
23 Carol J. Spizzirri who stated the following in  
24 summary but not verbatim.



1 Is RO Officer Marrazzo?

2 A Correct. RO stands for responding  
3 officer.

4 Q Were you present when Officer Marrozza  
5 was dispatched to 9950 Lawrence Avenue on May 5,  
6 2006?

7 A I was working that day, but I was not at  
8 9950 Lawrence when he took this report.

9 Q Is this the initial meeting that you  
10 testified about earlier between Carol Spizzirri and  
11 an officer with Schiller Park Police Department?

12 A Yes.

13 Q And is 9950 Lawrence Avenue, Suite 300,  
14 Save a Life Foundation's offices?

15 A It was, yes.

16 Q And I believe you testified earlier that  
17 the reason Officer Marrazzo was dispatched to  
18 Save a Life Foundation offices was the result of a  
19 9 -- a call to the Schiller Park Police Department;  
20 is that correct?

21 A Yes.

22 Q Do you know who made that call to the  
23 Schiller Park Police Department?

24 A I do not.

1 Q She didn't sign a version of the  
2 statement somewhere else?

3 A No, not that I know of.

4 Q Did Officer Marrazzo tell you anything  
5 about the meeting with Carol Spizzirri on May 5,  
6 2006 after it took place?

7 A I don't know if he specifically talked  
8 to me, but he obviously talked to the lieutenant in  
9 regards to assigning this case.

10 Q Did you read this report, Exhibit 1,  
11 prior to your first meeting with Carol Spizzirri on  
12 May 5, 2006?

13 A I don't recall if I read it prior to the  
14 meeting, but I would have read it at some point,  
15 either prior to or at the meeting itself.

16 Q I would like to walk through some of the  
17 content of Exhibit 1.

18 Again, we're on the second page of  
19 Exhibit 1, the third line, about halfway through it  
20 it states, on Thursday, 27 april '06, Spizzirri,  
21 president and founder of Save a Life Foundation,  
22 fired the above-listed employee/suspect Annabel  
23 Melongo for performance and attitude problems.

24 Were you ever told about this statement

1 Q To your knowledge was this meeting  
2 involving Officer Marrazzo and Carol Spizzirri the  
3 first in-person contact between someone from  
4 Schiller Park Police and Carol Spizzirri?

5 A I'm sorry, can you repeat the question?

6 Q To your knowledge was the May 5, 2006  
7 meeting between Officer Marrazzo and Carol  
8 Spizzirri the first interaction between  
9 Miss Spizzirri and the Schiller Park Police?

10 MR. KAPLAN: Objection, calls for speculation.  
11 Answer.

12 THE WITNESS: Typ -- I don't know if this is  
13 the first call that Carol ever made to  
14 Schiller Park in reference to needing a call for  
15 service, but in reference to this case, yes, I  
16 believe it is.

17 By Ms. Schwartz:

18 Q Exhibit 1 states that Miss Spizzirri  
19 made a statement to Officer Marrazzo and outlines a  
20 summary of the statement.

21 To your knowledge is there any other  
22 written documentation of the statement  
23 Miss Spizzirri made to Officer Marrazzo?

24 A No.

1 Miss Spizzirri made that Miss Melongo was  
2 terminated for performance and attitude problems?

3 A I may have been, but I don't  
4 specifically recall, you know, if I heard that from  
5 her, from Miss Spizzirri.

6 Q Do you have any recollection of  
7 Miss Spizzirri ever telling you about the reasons  
8 for Miss Melongo's termination?

9 A I'm -- I'm sure she did at some point,  
10 but as far as specific statement, I don't recall  
11 what she may have said or when it took place.

12 Q If you continue to the next paragraph on  
13 Exhibit 1, second page it states, on Friday, 28  
14 April '06 Spizzirri -- strike that. I'll read a  
15 different portion.

16 We are on Exhibit 1, second page, the  
17 second paragraph. It says, on Friday, 28 April '06  
18 between the hours of 0100 to 0300 an unknown  
19 offender hacked into the computer server for SALF  
20 and deleted all of the files in the server,  
21 including financial records and account numbers.  
22 The offender then entered Spizzirri's personal  
23 email account, pulled out two emails, sent them to  
24 a Yahoo.com email address and responded to them

<p style="text-align: right;">Page 65</p> <p>1 from said address.</p> <p>2 Where did that information in the</p> <p>3 passage that I just read come from?</p> <p>4 MR. KAPLAN: Objection, calls for</p> <p>5 speculation.</p> <p>6 THE WITNESS: To be honest, I don't know.</p> <p>7 By Ms. Schwartz:</p> <p>8 Q Isn't it true that Miss Spizzirri</p> <p>9 alleged that her emails were forwarded on May 1,</p> <p>10 2006 not April 28, 2006 as it states here?</p> <p>11 A Yes. We determined that by the email</p> <p>12 that was provided to us, the copy of the email that</p> <p>13 was provided to us.</p> <p>14 Q That the email was sent on May 1,</p> <p>15 2006?</p> <p>16 A Sent on May 1st, yes, the alleged</p> <p>17 email.</p> <p>18 Q So does this Exhibit 1 contain an error</p> <p>19 with respect to the date?</p> <p>20 MR. WUNDER: I'm going to object, calls for</p> <p>21 speculation.</p> <p>22 THE WITNESS: Yeah, I believe so.</p> <p>23 By Ms. Schwartz:</p> <p>24 Q Did you consider that, that error</p>	<p style="text-align: right;">Page 67</p> <p>1 A Confirm as in the 90 percent?</p> <p>2 Q As in the 90 percent figure.</p> <p>3 A The only -- I believe the only</p> <p>4 information we were ever provided was Mr. Peters'</p> <p>5 report had said a number of files, but I don't</p> <p>6 believe there was a percentage.</p> <p>7 Q Turning to the next paragraph of</p> <p>8 Exhibit 1, second page, it states, Spizzirri stated</p> <p>9 she believes Melongo is a flight risk due to the</p> <p>10 fact that she is not a U.S. citizen.</p> <p>11 Did Miss Spizzirri ever say anything to</p> <p>12 you about Miss Melongo being a flight risk?</p> <p>13 A Not that I recall specifically, no.</p> <p>14 Q Did Miss Spizzirri ever say anything to</p> <p>15 you about Miss Melongo not being a United States</p> <p>16 citizen?</p> <p>17 A Not that I recall.</p> <p>18 Q Did you know when you were working on</p> <p>19 this investigation, Save a Life Foundation</p> <p>20 investigation, that Miss Melongo was not a</p> <p>21 U.S. citizen?</p> <p>22 A Not until she was being processed, and I</p> <p>23 don't recall exactly how it came out, but she</p> <p>24 stated that she was a Camaroon national. And I</p>
<p style="text-align: right;">Page 66</p> <p>1 potentially significant in terms of your</p> <p>2 investigation?</p> <p>3 MR. KAPLAN: Objection, calls for speculation</p> <p>4 and it assumes facts not in evidence that he even</p> <p>5 considered the error at that time or that there was</p> <p>6 an error at that time.</p> <p>7 THE WITNESS: We typically get reports that</p> <p>8 have errors in them, so it wouldn't have changed my</p> <p>9 opinion of how the case would proceed.</p> <p>10 By Ms. Schwartz:</p> <p>11 Q If you continue down a little farther on</p> <p>12 Exhibit 1, down to the fifth paragraph it states,</p> <p>13 three separate firms have been hired by</p> <p>14 Miss -- by Spizzirri to attempt to retrieve the</p> <p>15 lost files. As of the time of this report SALF has</p> <p>16 recovered 90 percent of the files.</p> <p>17 Do you know where that information that</p> <p>18 I just quoted came from?</p> <p>19 A I'm assuming based on what's written</p> <p>20 here is that the officer got that information from</p> <p>21 Miss Spizzirri.</p> <p>22 Q Did you ever confirm the amount of</p> <p>23 information that the Save a Life Foundation was</p> <p>24 able to recover from the servers?</p>	<p style="text-align: right;">Page 68</p> <p>1 don't recall how I did it, but I remember having to</p> <p>2 contact Department of Justice or somebody to advise</p> <p>3 her of certain detainee rights. And I talked to</p> <p>4 somebody, I think it was at the DOJ, that said you</p> <p>5 need to have her fill out this form or whatever.</p> <p>6 Prior to that, no.</p> <p>7 Q So as of the time of this report,</p> <p>8 Exhibit 1, someone from the Save a Life Foundation</p> <p>9 had identified Miss Melongo as a potential suspect</p> <p>10 with respect to the alleged intrusion and alleged</p> <p>11 email forwarding; is that correct?</p> <p>12 A Correct.</p> <p>13 Q No investigation had been done by</p> <p>14 Schiller Park Police Department at the time this</p> <p>15 report was created, Exhibit 1?</p> <p>16 A Correct.</p> <p>17 MR. KAPLAN: Can we take two minutes?</p> <p>18 MS. SCHWARTZ: Of course.</p> <p>19 MR. KAPLAN: Is now a good time?</p> <p>20 MS. SCHWARTZ: Now is a great time. Why don't</p> <p>21 we take five minutes.</p> <p>22 (A recess was taken.)</p> <p>23 By Ms. Schwartz:</p> <p>24 Q Detective Martin, Miss Melongo was</p>

<p style="text-align: right;">Page 69</p> <p>1 alleged to have deleted financial and accounting 2 files from Save a Life Foundation networks; is that 3 correct? 4 A That was what was alleged in the initial 5 report, yes. 6 Q Was that one of the allegations that you 7 investigated while you worked on the case? 8 A Yes. 9 Q Were you aware that Miss Melongo did not 10 have access to Save a Life Foundation's accounting 11 files as the IT administrator? 12 MR. WUNDER: Objection, calls for speculation, 13 assumes facts not in evidence. 14 THE WITNESS: There was a -- I think 15 Miss Melongo stated that she did not possess 16 access. 17 By Ms. Schwartz: 18 Q Did you ever investigate that particular 19 statement? 20 A Not, not specifically that I remember, 21 no. 22 Q I'm handing Detective Martin Plaintiff's 23 Deposition Exhibit 2, identified as Spizzirri 24 000001099 to 1100.</p>	<p style="text-align: right;">Page 71</p> <p>1 (A document was marked Plaintiff's 2 Deposition Exhibit Martin No. 3 3 for identification.) 4 By Ms. Schwartz: 5 Q Is Exhibit 3 a true and accurate copy of 6 a police report that you drafted dated at the 7 bottom October 30, 2006? 8 MR. KAPLAN: Julia, I would just ask to maybe 9 change the question to does it appear to be, 10 because he would have to look at every single word 11 to know if it's exactly the one that he seems to 12 have reviewed. 13 By Ms. Schwartz: 14 Q Does this appear to be an accurate -- 15 true and accurate copy of the police report you 16 crafted -- 17 A Yes. 18 Q -- drafted? 19 You have no reason to believe anything 20 has been altered? 21 A No. 22 Q And that's your signature at the bottom 23 of each page? 24 A Yes.</p>
<p style="text-align: right;">Page 70</p> <p>1 (A document was marked Plaintiff's 2 Deposition Exhibit Martin No. 2 3 for identification.) 4 By Ms. Schwartz: 5 Q Have you seen Exhibit 2 before? 6 MR. KAPLAN: Look at it. 7 THE WITNESS: No. I don't think I have. 8 By Ms. Schwartz: 9 Q I'll represent to you, Detective Martin, 10 that this is an email dated April 12, 2006 from 11 amelongo@salf.org to someone named Bruce Nawara, 12 who is Save a Life Foundation's accountant. In the 13 email she, Miss Melongo, asks Mr. Nawara for 14 information about accounting data. 15 Were you aware that Miss Melongo had to 16 request information about accounting data because 17 she did not herself have an access to that from 18 Save a Life Foundation? 19 A No. Other than her statement to me, 20 no. 21 Q I'm handing Detective Martin Plaintiff's 22 Deposition Exhibit 3, Bates numbered Melongo_005215 23 to 5223. 24</p>	<p style="text-align: right;">Page 72</p> <p>1 Q Did you draft the narrative portions of 2 Exhibit 3? 3 A Yes. 4 Q Does Exhibit 3 document the steps you 5 took to investigate the Save a Life Foundation 6 allegations? 7 A Yes. 8 Q Were all significant aspects of your 9 investigation described in this report? 10 A Yes. 11 Q Was that the standard practice for 12 Schiller Park Police Department to include 13 important details of an investigation in a police 14 report? 15 A Yes. 16 Q Did -- does this report, Exhibit 3, 17 describe all the key evidence that you gathered as 18 part of your investigation? 19 A Describe or -- can you just clarify what 20 you mean by describe the evidence? 21 Q Does Exhibit 3 include a general 22 description of the evidence that you gathered and 23 reviewed as part of your investigation? 24 A Yes.</p>

<p style="text-align: right;">Page 73</p> <p>1 Q And if you had an important piece of</p> <p>2 evidence, would you note that in this police</p> <p>3 report?</p> <p>4 A Yes.</p> <p>5 Q We've already discussed this a bit, but</p> <p>6 it's correct -- is it correct that one allegation</p> <p>7 you were investigating was that someone had</p> <p>8 accessed the Save a Life Foundation's servers</p> <p>9 without authorization and destroyed data and files</p> <p>10 on April 28, 2006?</p> <p>11 A Yes.</p> <p>12 Q And is it correct that another</p> <p>13 allegation you were investigating was that someone</p> <p>14 had accessed Miss Spizzirri's email account without</p> <p>15 authorization and forwarded an email on</p> <p>16 May 1, 2006?</p> <p>17 A Yes.</p> <p>18 Q You testified earlier that you did not</p> <p>19 make copies of any Save a Life Foundation computers</p> <p>20 or servers; is that accurate?</p> <p>21 A Copies? Do you want to clarify what you</p> <p>22 mean by copies?</p> <p>23 Q Did you yourself or did you instruct</p> <p>24 anyone to make copies of the hard drives of any</p>	<p style="text-align: right;">Page 75</p> <p>1 computer investigation?</p> <p>2 By Ms. Schwartz:</p> <p>3 Q Let's start with this investigation</p> <p>4 specifically?</p> <p>5 A Potentially, depending upon what</p> <p>6 steps -- if no attempts had been made to recover</p> <p>7 those devices, specifically the servers.</p> <p>8 Q If no attempts had been made to recover,</p> <p>9 to recover the devices, then it would make -- it</p> <p>10 would be standard procedure to have copies made of</p> <p>11 servers and computers for preservation purposes?</p> <p>12 MR. KAPLAN: Same objection.</p> <p>13 THE WITNESS: In this case specifically that</p> <p>14 would have been an option, yes.</p> <p>15 By Ms. Schwartz:</p> <p>16 Q But because attempts had been made to</p> <p>17 recover evidence, you opted not to preserve</p> <p>18 evidence from Save a Life Foundation servers and</p> <p>19 computers, correct?</p> <p>20 A The attempts to recover the data on the</p> <p>21 servers, yes.</p> <p>22 Q And then generally speaking for a</p> <p>23 general case where there was an allegation of</p> <p>24 intrusion, would you generally as a standard</p>
<p style="text-align: right;">Page 74</p> <p>1 Save a Life Foundation computers?</p> <p>2 A No, I did not.</p> <p>3 Q Did you yourself or did you ask anyone</p> <p>4 to make copies of the contents of any of</p> <p>5 Save a Life Foundation's servers?</p> <p>6 A No.</p> <p>7 Q Wouldn't it have been standard procedure</p> <p>8 to make copies of Save a Life Foundation servers</p> <p>9 and computers at the beginning of the</p> <p>10 investigation?</p> <p>11 A Standard procedure, can you clarify what</p> <p>12 you mean by standard procedure?</p> <p>13 Q Wouldn't it have been important for</p> <p>14 purposes of evidence preservation to make copies of</p> <p>15 Save a Life Foundation computers and servers at the</p> <p>16 beginning of the investigation?</p> <p>17 MR. KAPLAN: Can you read back the question,</p> <p>18 ma'am?</p> <p>19 (The record was read.)</p> <p>20 MR. KAPLAN: I just object to the form of the</p> <p>21 question.</p> <p>22 Go ahead and answer it.</p> <p>23 THE WITNESS: Are you -- in reference to this</p> <p>24 investigation specifically or in general to a</p>	<p style="text-align: right;">Page 76</p> <p>1 practice make copies of the affected servers or</p> <p>2 computers?</p> <p>3 MR. KAPLAN: Objection, asked and answered.</p> <p>4 THE WITNESS: We have done that in the past,</p> <p>5 yes, and then there were times that we didn't.</p> <p>6 By Ms. Schwartz:</p> <p>7 Q So it is case specific?</p> <p>8 A Yes.</p> <p>9 Q So continuing with Exhibit 3, look to</p> <p>10 the May 5, 2006 entry, it states, R/I received</p> <p>11 copies of the emails that had been sent to and from</p> <p>12 Carol Spizzirri's email account. The headers on</p> <p>13 the emails showed that the offender had forwarded</p> <p>14 the suspected emails from Miss Spizzirri's account</p> <p>15 to the Yahoo email account of</p> <p>16 melongo_annabel@yahoo.com.</p> <p>17 R/I, does that refer to you?</p> <p>18 A Yes. It stands for reporting</p> <p>19 investigator.</p> <p>20 Q And it states that you received copies</p> <p>21 of emails that had been sent to and from</p> <p>22 Miss Spizzirri's email account.</p> <p>23 Who gave you copies of those emails?</p> <p>24 A I don't recall specifically. It would</p>

<p style="text-align: right;">Page 77</p> <p>1 have been the people at -- who were at the 2 meeting. 3 Q At the May 5, 2006 meeting at 4 Save a Life? 5 A Yes. 6 Q And Carol Spizzirri was one of the 7 participants at that meeting? 8 A Yes. 9 Q When you received copies of emails from 10 someone at Save a Life Foundation, did you do 11 anything to verify that the copies you received had 12 not been altered in any way from the original 13 emails? 14 A I did not do anything specifically, no. 15 Q What specifically were the emails that 16 you received on May 5, 2006? Could you describe 17 them to me? 18 A I don't recall exactly what they said. 19 There was some discussion about Annabel attempting 20 to make contact with individuals at Save a Life 21 offering her assistance to fix the computer 22 problems that she was aware of. And they were I 23 believe questioning why she was calling -- or 24 believed that the reason that she was calling was</p>	<p style="text-align: right;">Page 79</p> <p>1 (A document was marked Plaintiff's 2 Deposition Exhibit Martin No. 5 3 for identification.) 4 By Ms. Schwartz: 5 Q Have you seen Exhibit 5 before today, 6 Detective Martin? 7 A Portions of it, yes. I don't believe 8 this is the one that was provided to us on 9 May 5th. 10 Q In terms of the content of this email, 11 Exhibit 5, was any of this content what 12 Miss Spizzirri alleged was forwarded out of her 13 email account to Miss Melongo's Yahoo account? 14 A I believe so, yes. 15 Q Which portion of this email, could you 16 describe it, or is it all of this email? 17 A The body it appears -- if I remember 18 correctly, the body of this email is what was 19 alleged to have been forwarded. 20 Q So let's walk through this. The 21 first -- if you look at the top portion, it appears 22 to be an email from Annabel Melongo to a number of 23 different recipients. Carol Spizzirri's email 24 account is not listed on there. The subject line</p>
<p style="text-align: right;">Page 78</p> <p>1 because she had somehow been involved in deleting 2 the data from the servers. 3 Q What you just described is the con -- 4 what you recall from the content of the emails you 5 received on May 5, 2006; is that accurate? 6 A That's what I remember. I don't recall 7 specifically what they said, but that's what I 8 remember about them. 9 Q I'm handing you Plaintiff's Deposition 10 Exhibit 4, CCSAO 000209 to 212. 11 (A document was marked Plaintiff's 12 Deposition Exhibit Martin No. 4 13 for identification.) 14 By Ms. Schwartz: 15 Q Have you seen this email before, 16 Detective Martin? 17 A I don't believe I specifically saw this 18 entire email. I've seen portions of it. 19 Q This is not one of the emails you 20 received from Save a Life Foundation on May 5, 21 2006? 22 A I don't believe so, no. 23 Q I'm handing you Plaintiff's Deposition 24 Exhibit 5, CCSAO 003415.</p>	<p style="text-align: right;">Page 80</p> <p>1 is how far are you going to go, Carol. And it 2 says, hey Carol, I've received this email forwarded 3 to me and I can't imagine what a pathological liar 4 you are. 5 Is that an email that was forwarded from 6 Miss Spizzirri's account to Annabel Melongo's 7 account? 8 A I don't know if it was this specific 9 email, but I believe the text that is written here 10 was contained in what Miss Spizzirri alleged was 11 forwarded out of her account. 12 MR. KAPLAN: Which text are you referring to? 13 THE WITNESS: The bottom portion where it says 14 from Carol on down to the last line, t-k-s much for 15 your follow through - we are so behind it hurts. 16 By Ms. Schwartz: 17 Q The portion that you -- that was alleged 18 to have been forwarded from Carol Spizzirri's 19 account to Miss Melongo's account, referring again 20 to Exhibit 5, is the bottom half of Exhibit 5, and 21 it appears to say from Carol Spizzirri, subject Re: 22 downed system, and the first text is think we found 23 who. 24 Is that the email that you were</p>

<p style="text-align: right;">Page 81</p> <p>1 referring to?</p> <p>2 A Yes. I believe that portion is what</p> <p>3 Miss Spizzirri was alleged to have been sent from</p> <p>4 her account or removed from her account.</p> <p>5 Q And in this version, Exhibit 5, there is</p> <p>6 no to line in that portion on the bottom half of</p> <p>7 Exhibit 5, correct?</p> <p>8 A In this text, no, there is no to, other</p> <p>9 than at the top.</p> <p>10 Q Looking at the text of that email that I</p> <p>11 just referenced on Exhibit 5, Think we found who.</p> <p>12 Annabel called X4 and stopped in three, left</p> <p>13 message on my cell offering to fix our problem.</p> <p>14 Was it your understanding that Carol</p> <p>15 Spizzirri wrote those words?</p> <p>16 A I have no idea who wrote them. It</p> <p>17 appears that it was sent from Carol's account, but</p> <p>18 I have no idea who wrote them.</p> <p>19 Q Did you ever ask her?</p> <p>20 A I don't recall asking her.</p> <p>21 Q In that email that I just read that</p> <p>22 appears to have been sent from Carol Spizzirri's</p> <p>23 email account, it appears that Miss Spizzirri was</p> <p>24 asserting that Miss Melongo was responsible for the</p>	<p style="text-align: right;">Page 83</p> <p>1 it.</p> <p>2 Q Did Miss Spizzirri ever provide you with</p> <p>3 an electronic version of any email that was</p> <p>4 allegedly forwarded from her account to</p> <p>5 Miss Melongo's account without her authorization?</p> <p>6 A Not that I recall.</p> <p>7 Q Turning back to Exhibit 4. At the top</p> <p>8 left it says Shontay Grant.</p> <p>9 Do you know who Shontay Grant is?</p> <p>10 A No, I do not.</p> <p>11 Q I would like to turn your attention back</p> <p>12 to Exhibit 3, your police report dated October 30,</p> <p>13 2006.</p> <p>14 If you turn your attention to the entry</p> <p>15 dated May 15, 2006, it states, R/I spoke with</p> <p>16 Comcast Cable Services legal department about how</p> <p>17 to obtain the necessary account information related</p> <p>18 to the IP address that was found in the header of</p> <p>19 the emails that were forwarded to the Yahoo account</p> <p>20 in question and was assigned to the offender's</p> <p>21 computer at the time of the intrusion to</p> <p>22 Save a Life's computer.</p> <p>23 The information you were seeking from</p> <p>24 Comcast related to an IP address found in the</p>
<p style="text-align: right;">Page 82</p> <p>1 intrusion to Save a Life Foundation networks on</p> <p>2 April 28, 2006, doesn't it?</p> <p>3 A I have no idea. It just says that to</p> <p>4 fix our problem. It doesn't say anything as to</p> <p>5 what that problem was.</p> <p>6 Q Did Miss Spizzirri ever tell you that</p> <p>7 she thought Miss Melongo had something to do with</p> <p>8 the intrusion on Save a Life system because she had</p> <p>9 offered to help fix those problems?</p> <p>10 A I don't recall her specifically saying</p> <p>11 that, no.</p> <p>12 Q Do you recall Miss Spizzirri telling you</p> <p>13 why she thought Miss Melongo was responsible for</p> <p>14 the intrusion on April 28, 2006?</p> <p>15 A I don't recall her specifically saying,</p> <p>16 no.</p> <p>17 Q Did Carol Spizzirri ever tell you that</p> <p>18 the person who forwarded the email we've just been</p> <p>19 discussing, the bottom half of Exhibit 5 that</p> <p>20 starts, think we found who, did Carol Spizzirri</p> <p>21 ever tell you that she thought Miss Melongo had</p> <p>22 forwarded that email from her account to</p> <p>23 Miss Melongo's Yahoo account?</p> <p>24 A I don't know if she specifically said</p>	<p style="text-align: right;">Page 84</p> <p>1 header of emails forwarded to Miss Melongo's Yahoo</p> <p>2 account; is that correct?</p> <p>3 A It was the IP address listed in the</p> <p>4 header in regards to the Yahoo account that was</p> <p>5 also listed in the header. I don't specifically</p> <p>6 know that it was hers.</p> <p>7 Q You don't specifically know if it was</p> <p>8 Miss Melongo's?</p> <p>9 A Correct.</p> <p>10 Q And IP address stands for internet</p> <p>11 protocol address; is that correct?</p> <p>12 A Correct.</p> <p>13 Q And doesn't an IP address correspond to</p> <p>14 a physical location where a computer is used?</p> <p>15 A Potentially.</p> <p>16 Q What do you mean when you say</p> <p>17 potentially?</p> <p>18 A The IP address is assigned to a specific</p> <p>19 device. It's not necessarily, my understanding,</p> <p>20 relative to a location, but more to a device.</p> <p>21 Q So there was a particular IP address</p> <p>22 that was a focus of your investigation; is that</p> <p>23 correct?</p> <p>24 A One, yes.</p>

1 Q Was it IP 24.15.202.102?  
 2 A Can you repeat it one more time?  
 3 Q 24.15.202.102?  
 4 A Yes.  
 5 Q For simplicity I'll refer to that IP  
 6 address in shorthand as the 102 address; is that --  
 7 A Okay.  
 8 Q -- okay with you?  
 9 You testified that the 102 address was  
 10 first discovered because it was in an email header  
 11 that you received from the Save a Life  
 12 Foundation?  
 13 A It was one of the ones that were listed  
 14 in the header, yes.  
 15 Q Did the Save a Life Foundation employee  
 16 who gave you that email address with the header  
 17 containing the 102 address say anything about that  
 18 IP address?  
 19 A Not that I recall.  
 20 Q Why did that IP address become a focus  
 21 of your investigation?  
 22 A Based on its placement or position  
 23 within the email header, it appeared to be the  
 24 originating IP.

1 Save a Life Foundation?  
 2 A Yes, I believe this is the copy that we  
 3 received.  
 4 Q This appears to be an email from  
 5 Christian Sass to Carol Spizzirri dated May 1, 2006  
 6 at 11:31 p.m. I'm referring to the first page --  
 7 MR. KAPLAN: Are we on the first page?  
 8 By Ms. Schwartz:  
 9 Q -- of Exhibit 6.  
 10 MR. KAPLAN: This top one.  
 11 THE WITNESS: Yes. It was -- the email itself  
 12 appears it was sent to a number of individuals, one  
 13 of which is Dave Stolerow, sent Monday, May 1st at  
 14 11:31 p.m.  
 15 By Ms. Schwartz:  
 16 Q Who is Christian Sass?  
 17 A I believe he was the IT administrator  
 18 that replaced Miss Melongo at Save a Life.  
 19 Q Did you ever speak to Christian Sass?  
 20 A I don't recall.  
 21 Q So it's this -- from your review of this  
 22 email, Exhibit 6, was it Christian Sass who wrote  
 23 ps, following is the entire email with all headers  
 24 and raw code on the second page of Exhibit 6?

1 Q Originating IP of what?  
 2 A The transmission of the email in  
 3 question.  
 4 Q I would like to direct -- I'm handing  
 5 Detective Martin Plaintiff's Deposition Exhibit 6,  
 6 Martin0012 to 14.  
 7 (A document was marked Plaintiff's  
 8 Deposition Exhibit Martin No. 6  
 9 for identification.)  
 10 By Ms. Schwartz:  
 11 Q Do you recognize Exhibit 6?  
 12 A Yes.  
 13 Q Is Exhibit 6 one of the emails that you  
 14 received from Save a Life Foundation on or around  
 15 May 5, 2006?  
 16 A I believe this is one of them, yes.  
 17 Q I turn your attention to the second  
 18 page, it says ps -- at the top, ps, following is  
 19 the entire email with all headers and raw code, and  
 20 then below it is a bunch of information that  
 21 appears to be from an email header.  
 22 Is this the header that you were  
 23 referring to when you said there was an IP address  
 24 located on an email header that you received from

1 A It appears to be based on the body of  
 2 what's kind of copied in here.  
 3 Q Let's walk through this email with  
 4 headers and raw code as it's referred to in  
 5 Exhibit 6.  
 6 If you go about halfway down the second  
 7 page of Exhibit 6, you see that IP address we've  
 8 been discussing, the 102 address. It says  
 9 received: from and then 24.15.202.102.  
 10 Is that the IP address in the header of  
 11 the email that you testified about earlier?  
 12 A Yes.  
 13 Q Below that IP address, the 102 address  
 14 on Exhibit 6, the date is Monday, May 1, 2006, from  
 15 Melongo Annabel with email melongo\_annabel.com, and  
 16 then the subject line is how far are you going to  
 17 go, Carol.  
 18 So this email Exhibit 6 shows metadata  
 19 related to the sender of the email with subject how  
 20 far are you going to go, Carol; is that correct?  
 21 A Yes.  
 22 Q And that's the email that says in the  
 23 body, hey Carol, I've received this email forwarded  
 24 to me and I can't imagine what a pathological liar

1 you are; is that correct?

2 A I'm sorry, can you repeat the question?

3 Q That IP address we've been discussing on  
4 Exhibit 6, the 102 address, --

5 A Uh-huh.

6 Q -- it says received from. The 102  
7 address, does that correspond to the sender of the  
8 email with the body hey, Carol, I've received this  
9 email forwarded to me and I can't imagine what a  
10 pathological liar you are.

11 A In relation to the text that's here,  
12 yes.

13 Q The email with subject line how far are  
14 you going to go, Carol that starts hey, Carol, is  
15 not an email that was forwarded from Carol  
16 Spizzirri's account to Miss Melongo's account, was  
17 it?

18 A It doesn't appear to be based upon this  
19 header, no.

20 Q And this header on Exhibit 6 does not  
21 show the IP address of the sender of any email from  
22 Carol Spizzirri's account to Miss Melongo's Yahoo  
23 account; is that correct?

24 A I'm sorry, say it one more time.

1 account; is that correct?

2 A I have no specific knowledge of who may  
3 assume that.

4 Q Did you ever assume that?

5 A We had information I believe that from  
6 Web HSP in regards to their server log or their  
7 access logs that showed that there were emails with  
8 that 24 address or 102 address sending emails, but  
9 I didn't see the specific email or the body of the  
10 emails that were sent.

11 Q So it was information from Web HSP that  
12 caused you to think that the 102 address was used  
13 to send an email from Carol Spizzirri's account to  
14 Annabel Melongo's account?

15 A Yes.

16 Q And what was that information from  
17 Web HSP specifically?

18 A I believe it was their -- their IT or  
19 their Technical Support person sending an email to  
20 Carol listing search results for that specific IP,  
21 and within the results showing that specific IP and  
22 the direction of the emails as far as, you know,  
23 whether it was incoming or outgoing.

24 Q I'm showing Detective Martin Plaintiff's

1 MS. SCHWARTZ: Could you read back the  
2 question.

3 (The record was read.)

4 THE WITNESS: I don't know to be honest with  
5 you. It doesn't -- without knowing -- having the  
6 exact -- what's the word I'm trying to use?

7 This -- the data that is contained here  
8 is cut and pasted from somewhere else obviously.  
9 According to Mr. Sass this is the email that he  
10 received or the content of the email that he  
11 received.

12 By Ms. Schwartz:

13 Q Did you ask where the data in Exhibit 6  
14 was cut and pasted from?

15 A No, I did not.

16 Q Did you ever see that IP address, the  
17 102 address listed in an email from Carol  
18 Spizzirri's account to Miss Melongo's Yahoo  
19 account?

20 A Not in a specific email that I know  
21 of.

22 Q It was assumed that this 102 address was  
23 also used by the person who forwarded an email from  
24 Miss Spizzirri's account to Annabel Melongo's

1 Deposition Exhibit 7, CCSAO 000002 through 5.  
2 (A document was marked Plaintiff's  
3 Deposition Exhibit Martin No. 7  
4 for identification.)

5 By Ms. Schwartz:

6 Q Is Exhibit 7 the email you were just  
7 referring to from Technical Support?

8 A Yes. I don't recall if this was exactly  
9 what was provided to us, but some of the  
10 information contained in here I do remember  
11 seeing.

12 Q So this is a print-out of an email from  
13 tsupport@gmail.com to Carol Spizzirri dated May 4,  
14 2006 at 9:41 p.m.?

15 A Correct.

16 Q And the substance of this email, the  
17 content, is that the content on which you relied  
18 from Technical Support to determine that the 102  
19 address was potentially used by the person that  
20 forwarded the email from Miss Spizzirri's  
21 account?

22 A Yes, that's one of the things we used.

23 Q What is tsupport@gmail.com?

24 A From what I remember -- well, it's an



<p style="text-align: right;">Page 93</p> <p>1 email address. From what I remember it belongs to</p> <p>2 the Technical Support at Web HSP, which is the</p> <p>3 email host for Save a Life Foundation.</p> <p>4 Q Web HSP was Save a Life Foundation's</p> <p>5 email host in 2006?</p> <p>6 A Yes.</p> <p>7 Q It doesn't say anything about Web HSP on</p> <p>8 Exhibit 7.</p> <p>9 How did you determine that Technical</p> <p>10 Support or tsupport@gmail.com had something to do</p> <p>11 with the Web HSP?</p> <p>12 A I think that was information that was</p> <p>13 provided to us from Carol.</p> <p>14 MR. KAPLAN: Can you speak up?</p> <p>15 THE WITNESS: I'm sorry. I believe it was</p> <p>16 information that was provided to us from</p> <p>17 Miss Spizzirri.</p> <p>18 By Ms. Schwartz:</p> <p>19 Q What did Miss Spizzirri say about the</p> <p>20 Technical Support email and its relationship to</p> <p>21 Web HSP?</p> <p>22 A I don't recall specifically what she</p> <p>23 said.</p> <p>24 Q Do you know who actually authored this</p>	<p style="text-align: right;">Page 95</p> <p>1 Save a Life account.</p> <p>2 Q And when you say you understand that</p> <p>3 Tech Support did a search of the IP address in</p> <p>4 question, what did you mean by search? What was</p> <p>5 being searched?</p> <p>6 A What it says here, of their mail log on</p> <p>7 the server.</p> <p>8 Q And by here you are referring to the</p> <p>9 first line of the email, Exhibit 7?</p> <p>10 A Correct. Right under the subject line</p> <p>11 it says, looking for the IP address of the IT</p> <p>12 person, which the 102 address, from the mail log on</p> <p>13 the server.</p> <p>14 Q What did you -- what did you understand</p> <p>15 the mail log on the server to mean in this email?</p> <p>16 A The record of both inbound and outbound</p> <p>17 emails through -- to and from the server.</p> <p>18 Q And you understood that to be records</p> <p>19 maintained by Web HSP?</p> <p>20 A Yes.</p> <p>21 Q And in terms of the actual -- the</p> <p>22 portion of the Exhibit 7 below what you just read,</p> <p>23 how does it show two instances of an email leaving</p> <p>24 Miss Spizzirri's account and going to another</p>
<p style="text-align: right;">Page 94</p> <p>1 email? It says from Technical Support and an email</p> <p>2 address, but did you ever determine the actual</p> <p>3 person who wrote this email?</p> <p>4 A Me specifically, no.</p> <p>5 Q To your knowledge did anyone ever</p> <p>6 determine the person who wrote this email,</p> <p>7 Exhibit 7?</p> <p>8 A To my knowledge I don't know if the</p> <p>9 State's Attorney's Office did or not. I did not.</p> <p>10 Q Did you ever do anything to confirm</p> <p>11 whether tsupport@gmail.com was connected to</p> <p>12 Web HSP?</p> <p>13 A I did not, no.</p> <p>14 Q I'd like to walk through the content of</p> <p>15 this email.</p> <p>16 How does this Tech Support email show</p> <p>17 that the IP address, the 102 address, was used to</p> <p>18 send an email from Miss Spizzirri's account to</p> <p>19 Miss Melongo's account on May 1, 2006?</p> <p>20 A My interpretation of this is that</p> <p>21 whoever typed this information or Technical Support</p> <p>22 did a search of the IP address in question and</p> <p>23 found it appears to be two instances in which</p> <p>24 emails appear to be leaving Miss Spizzirri's</p>	<p style="text-align: right;">Page 96</p> <p>1 outside Yahoo account?</p> <p>2 A The way I interpret it, there's two</p> <p>3 separate times --</p> <p>4 Q Okay.</p> <p>5 A -- on May 1st of 2006 in reference to</p> <p>6 what I believe to be the ID of an email.</p> <p>7 Q So just for the record we are looking --</p> <p>8 are you looking at Exhibit 7, the third line,</p> <p>9 May 1, 2006, and the time appears to be 20:31:40?</p> <p>10 A Correct. And I believe the next section</p> <p>11 is the ID of the email, and then there is the --</p> <p>12 what appears to be an arrow pointing to the</p> <p>13 left, --</p> <p>14 Q Okay.</p> <p>15 A -- what I interpret to mean that an</p> <p>16 email was being sent from the email address of</p> <p>17 cspizzirri@savealife -- I'm sorry -- self.org.</p> <p>18 Q So you interpret that arrow that's</p> <p>19 pointing to the left on the third line of Exhibit 7</p> <p>20 to --</p> <p>21 A Correct.</p> <p>22 Q -- mean that an email is being sent from</p> <p>23 C. Spizzirri's account?</p> <p>24 A Correct.</p>

1 Q Can you tell from that entry where that  
2 email was sent?

3 A No. Not from that entry, no.

4 Q And then I do see that 102 IP address in  
5 the next line of Exhibit 7.

6 How does this show that the 102 address  
7 is the originating IP for that particular email  
8 being sent from cspizzirri@salf.org?

9 A Can you repeat that one more time? I'm  
10 sorry, or read that back.

11 Q I'll take a step back.

12 A Okay.

13 Q Is this one of the portions of the Tech  
14 Support email that we've just been reading, this  
15 third line -- starting with the third line down of  
16 Exhibit 7, is this one of the documents that made  
17 you think that the 102 address related to the  
18 originating email of an email that went from Carol  
19 Spizzirri's account to Miss Melongo's account?

20 A Yes. Based upon Technical Support's  
21 description here or what they wrote as far as  
22 underneath the text of the two emails it says,  
23 record showing her sending the email from Carol's  
24 email address to her own Yahoo address. Note the

1 here. (Marking document.)

2 So in the second grouping --

3 Q Yep.

4 A -- where it begins 2006-05-01 20:31:40.

5 MR. WUNDER: That's the second search, right,  
6 just to be clear?

7 THE WITNESS: Yes.

8 MR. WUNDER: Okay.

9 THE WITNESS: It appears that this is a second  
10 search that was done for the ID number of the email  
11 that was sent on that date and time on May 1, 2006  
12 at 20:31:40.

13 He does a second search, and he comes to  
14 the conclusion and notes where he found the email  
15 being forwarded out of Miss Spizzirri's account,  
16 the arrow pointed to the left, and then the IP  
17 address associated to this sending of that email.  
18 And then he further shows that that continued on to  
19 being delivered to melongo\_annabel@yahoo.com.

20 By Ms. Schwartz:

21 Q And just to stop you there, could you  
22 put a No. 2 next to that portion you referred to as  
23 the second search?

24 A Correct.

1 IP in the log.

2 Then as you read further down it appears  
3 that he's referencing the same emails based upon  
4 the ID numbers and the time -- the two times that  
5 were associated to those prior two that we were  
6 discussing.

7 Q So the ID -- so the time you are  
8 referring to, the two dates, 5/1/2006 at 20:31:40  
9 hours?

10 A Yeah, the time of 20:31:40 and the time  
11 of 23:01:31 on May 1st of '06.

12 MR. WUNDER: Julia, do you want him to mark  
13 that up or something to show how he is reaching the  
14 conclusions?

15 MS. SCHWARTZ: That might be helpful if we  
16 walk through.

17 THE WITNESS: You want me to come over there?

18 By Ms. Schwartz:

19 Q I can give you an extra pen.

20 A So, what -- I guess the items that I'm  
21 referring to are --

22 Q Please circle what you referred to?

23 A -- here and this here and that arrow and  
24 then here. And then again here, and then this

1 Q So let's put a No. 2 next to there so we  
2 know.

3 A There and there (marking document.)

4 Q So No. 1 reflects what you believe to be  
5 the first search?

6 A Correct. And these I believe are search  
7 parameters here and here. (Marking document.)

8 He doesn't list it here, but it looks  
9 like -- well, I can't.

10 Q So one of the search parameters next to  
11 No. 1 is the IP address, the 102 address?

12 A Correct.

13 Q And the other search parameter in the  
14 second search to which you referred is the  
15 g-r-e-p -- what follows the word g-r-e-p --

16 A Correct.

17 Q -- the second search?

18 And did you rely on the textual  
19 descriptions about what these searches mean --  
20 meant in the Tech Support email to understand what  
21 they meant?

22 So I'm referring specifically to the  
23 portion you read where it says, this is the actual  
24 record showing her sending the email from Carol's

<p style="text-align: right;">Page 101</p> <p>1 email address to her own Yahoo based email address.  2 Note the IP in the log.  3 Did you rely on that narrative portion  4 to understand what this email meant?  5 A Some of it, yes, especially the  6 direction of travel as far as the arrows and which  7 way the arrows were pointing.  8 Q Otherwise would you know what those  9 search results, search No. 1 and search No. 2 meant  10 from a technological perspective?  11 A I would -- I understand obviously the  12 date, the time, and the -- I can recognize the  13 email addresses that are in here, the IP addresses  14 that are in here. There is a reference to the  15 server I believe at savealife.org, that's a  16 reference to the server.  17 Q So the key point of both search 1 and 2,  18 showing the direction of the email are those little  19 arrows?  20 A Correct, the arrows and then what I  21 perceive to be is the IP address, the originating  22 IP address for those emails.  23 Q Would you mind circling the arrows that  24 you are referring to with circles just so the</p>	<p style="text-align: right;">Page 103</p> <p>1 particular email itself.  2 Q And was it this document and the content  3 we've just walked through of Exhibit 7 that -- was  4 that the email that made you think that there was a  5 connection between the 102 address and the sender  6 of an email out of Miss Spizzirri's account to  7 Miss Melongo's Yahoo account?  8 A Yes.  9 Q I'm handing Detective Martin Exhibit 8,  10 CCSAO 005385.  11 (A document was marked Plaintiff's  12 Deposition Exhibit Martin No. 8  13 for identification.)  14 By Ms. Schwartz:  15 Q Have you seen Exhibit 8 before?  16 A I don't recall seeing this ever.  17 Q Exhibit 8 appears to be a screenshot of  18 the administrator email interface for the  19 Save a Life Foundation administrator with email  20 address adminstrator@salf.org.  21 Were you aware that anyone with  22 Save a Life Foundation administrator credentials  23 could log on and view Save a Life employees' email  24 accounts?</p>
<p style="text-align: right;">Page 102</p> <p>1 record is clear what arrows we're referring to?  2 A Sure. (Marking document.)  3 Q Now, continuing down on Exhibit 7, after  4 the portion that says again, second message going  5 from Carol's address to her Yahoo email address,  6 that -- does the portion below that relate to a  7 second email that appears to have gone from Carol's  8 address to her Yahoo address according to  9 Exhibit 7?  10 A Yeah. Up in paragraph 1 or search 1, it  11 looks like there was two emails that were found  12 when he did the search for the IP address. One  13 being sent at 20:31:40 and the second being sent at  14 23:01:31. So in the paragraph 3 or what I guess is  15 search 3 --  16 Q Let's mark that as search 3?  17 A (Marking document.) It shows the same  18 time of May 5 -- I'm sorry -- may 1, 2006 at  19 23:01:31, and similar information as to what was  20 contained in the second search.  21 Q And again, the arrows that show the  22 direction of the email?  23 A Correct, the arrows, the IP address, and  24 what I understand the meaning is the ID of that</p>	<p style="text-align: right;">Page 104</p> <p>1 A I'm aware that an administrator can do  2 that. I don't know that specifically someone or  3 who that administrator might have been for  4 Save a Life.  5 Q You are not aware of who had  6 administrator access for Save a Life?  7 A No.  8 Q And do you know generally how the  9 administrator access worked for someone with  10 administrator access at Save a Life?  11 A Not Save a Life, no.  12 Q Did you ever inquire as to who had  13 administrator access to the Save a Life emails?  14 A I don't recall specifically asking that  15 question, no.  16 Q Do you know if Christian Sass, who was  17 the new IT administrator at Save a Life after  18 Miss Melongo had administrator access to the  19 Save a Life Foundation emails?  20 A I -- no.  21 MR. KAPLAN: Your answer is I don't know.  22 THE WITNESS: No, I don't know if he did or  23 not.  24</p>

<p style="text-align: right;">Page 105</p> <p>1 By Ms. Schwartz:</p> <p>2 Q Apart from the exhibits we've reviewed</p> <p>3 that you testified that you recognized from your</p> <p>4 investigation, did you receive any other emails</p> <p>5 from either Carol Spizzirri or anyone else at the</p> <p>6 Save a Life Foundation when you were conducting</p> <p>7 your investigation?</p> <p>8 A I don't recall anything specific. I may</p> <p>9 have, but I don't recall.</p> <p>10 Q Did we go over the key ones that you</p> <p>11 recall seeing?</p> <p>12 A I believe so, yes.</p> <p>13 Q Were you aware during your investigation</p> <p>14 that Miss Spizzirri complained to State's Attorney</p> <p>15 Richard Devine about Miss Melongo?</p> <p>16 MS. NINFO: Object to the form.</p> <p>17 MR. KAPLAN: I'll join.</p> <p>18 By Ms. Schwartz:</p> <p>19 Q Let me rephrase the question.</p> <p>20 Were you aware Miss Spizzirri had</p> <p>21 written a letter to State's Attorney Richard Devine</p> <p>22 on May 8, 2006?</p> <p>23 MR. KAPLAN: Are you aware that she wrote a</p> <p>24 letter -- wrote a letter to him?</p>	<p style="text-align: right;">Page 107</p> <p>1 MS. SCHWARTZ: Plaintiff's Deposition</p> <p>2 Exhibit No. 9, CCSAO 000185 to 187.</p> <p>3 (A document was marked Plaintiff's</p> <p>4 Deposition Exhibit Martin No. 9</p> <p>5 for identification.)</p> <p>6 By Ms. Schwartz:</p> <p>7 Q Exhibit 9 appears to be a fax in reverse</p> <p>8 order, the last page as CCSAO 000185 and the first</p> <p>9 page, the cover sheet, CCSAO 000187.</p> <p>10 Is this a copy of a fax you received</p> <p>11 dated May 26, 2006?</p> <p>12 A It appears to be, yes.</p> <p>13 Q Does it appear to be a true and accurate</p> <p>14 copy of a fax you received?</p> <p>15 A It appears to be.</p> <p>16 Q And can you tell who sent you the fax,</p> <p>17 Exhibit 9?</p> <p>18 A I don't know for sure, but it has</p> <p>19 Carol's name printed on it, as far as --</p> <p>20 Q On the fax cover sheet --</p> <p>21 A -- the from line of -- from Save a Life</p> <p>22 Foundation, Incorporated, Carol Spizzirri.</p> <p>23 Q Did you speak to anyone at the</p> <p>24 Save a Life Foundation about this letter dated --</p>
<p style="text-align: right;">Page 106</p> <p>1 THE WITNESS: Yes, that was made aware to</p> <p>2 me.</p> <p>3 By Ms. Schwartz:</p> <p>4 Q When did you learn about that?</p> <p>5 A I don't recall a specific date. I</p> <p>6 vaguely remember getting a copy of the letter she</p> <p>7 wrote.</p> <p>8 Q Who sent you a copy of the letter</p> <p>9 Miss Spizzirri wrote?</p> <p>10 A I have no idea.</p> <p>11 Q Apart from receiving a copy of the</p> <p>12 letter Miss Spizzirri wrote to Richard Devine, did</p> <p>13 you have any discussions about -- about that letter</p> <p>14 or any communications between Miss Spizzirri and</p> <p>15 Mr. Devine?</p> <p>16 A No.</p> <p>17 Q You just received the letter?</p> <p>18 A Yes.</p> <p>19 Q I'm showing Detective Martin Plaintiff's</p> <p>20 Deposition Exhibit 8, CCSAO 000185 --</p> <p>21 MR. KAPLAN: Want to make it No. 9?</p> <p>22 MS. NINFO: No. 9.</p> <p>23 MS. SCHWARTZ: No. 9, excuse me.</p> <p>24 MR. KAPLAN: Yes.</p>	<p style="text-align: right;">Page 108</p> <p>1 two letters, one dated May 8, 2006 and one dated</p> <p>2 May 9, 2006?</p> <p>3 MR. KAPLAN: Could you read back the question,</p> <p>4 Miss.</p> <p>5 (The record was read.)</p> <p>6 THE WITNESS: She may have -- I remember</p> <p>7 getting the fax. I don't recall if I spoke to</p> <p>8 anyone specifically in reference to this, other</p> <p>9 than, you know, hey, I'm sending you this fax.</p> <p>10 By Ms. Schwartz:</p> <p>11 Q Did Miss Spizzirri tell you or anyone</p> <p>12 tell you why this fax was sent to you?</p> <p>13 A Carol offered to involve other agencies;</p> <p>14 such as, it appears the State's Attorney's Office</p> <p>15 to offer their assistance in investigating.</p> <p>16 Q Did she offer to involve other agencies</p> <p>17 in a conversation she had with you?</p> <p>18 A As far as in relation to this fax, I</p> <p>19 think that's why she was sending it to me, if I</p> <p>20 remember correctly.</p> <p>21 Q What did she say to you about offering</p> <p>22 to involve other agencies?</p> <p>23 A Just trying to advance the investigation</p> <p>24 and proceed appropriately, I guess.</p>

1 Q Did she tell you why she thought it  
2 would be potentially useful to involve other  
3 agencies, including the State's Attorney's  
4 Office?

5 A No.

6 Q Did she tell you how she could  
7 potentially get other agencies involved?

8 A Not that I recall, no.

9 Q Did she tell you that she had contacts  
10 within the State's Attorney's Office that would  
11 help potentially get them involved?

12 MS. NINFO: Objection, form.

13 THE WITNESS: Not that I recall.

14 By Ms. Schwartz:

15 Q Did you think it was necessary to  
16 involve other agencies in the investigation?

17 A That wouldn't have been a decision for  
18 me to make. That would be more with the  
19 lieutenant.

20 Q Did you ever speak with your lieutenant  
21 about whether it might make sense to include other  
22 agencies in the Save a Life investigation?

23 A Other than when we spoke to Mr. French  
24 of the Attorney General's Office, I don't think we

1 Q Do you recall what he said to you?

2 A Nope, other than offering his assistance  
3 of his office, that was it.

4 Q Do you recall anything else of what you  
5 said to Mr. Devine?

6 A No.

7 Q Was it unusual for you to receive a call  
8 from a County's State's Attorney?

9 MR. KAPLAN: Objection, form.

10 You can answer.

11 THE WITNESS: At the time I was new, so I  
12 would say yes, at the time.

13 By Ms. Schwartz:

14 Q How many times have you spoken about a  
15 case or an investigation to a State's Attorney?

16 A Hundreds.

17 Q The State's Attorney of the County? I'm  
18 not referring to Assistant State's Attorneys, but  
19 the actual State's Attorney?

20 A Just that time I think was the only time  
21 I've ever spoken to the State's Attorney.

22 Q Of any county?

23 A Yeah.

24 Q So apart from your one phone call with

1 ever really reached out to anybody else as far as  
2 getting assistance.

3 Q After you received this fax, Exhibit 9,  
4 did you speak to anyone at the State's Attorney's  
5 Office about Miss Spizzirri's allegations?

6 A I got a phone call from Mr. Devine  
7 offering his assistance, but that was it. At that  
8 point I told him -- I vaguely remember telling him  
9 we -- it was early on and if I needed something, I  
10 would call him.

11 Q When did that phone call from Mr. Devine  
12 take place?

13 A I don't recall exactly what day that  
14 was.

15 Q Was it around the time you received this  
16 fax, May 26, 2006?

17 A Maybe. I don't know for sure.

18 Q About how long was the phone call with  
19 Mr. Devine?

20 A If I had to guess, less than a minute or  
21 a minute.

22 Q Was that the first time you had spoken  
23 to Richard Devine?

24 A Yes.

1 Richard Devine, that's the only time you have  
2 spoken to a State's Attorney --

3 A Yes.

4 Q -- about an investigation?

5 A Yes.

6 Q After that conversation -- let's take a  
7 step back.

8 Do you remember anything else about the  
9 conversation you had with Mr. Devine?

10 A No, I do not.

11 Q And it was a phone call you said?

12 A Yes.

13 Q And he initiated that phone call?

14 A Yes.

15 Q After that phone call with Mr. Devine,  
16 did you have any other contact with anyone at the  
17 State's Attorney's Office about the  
18 investigation?

19 A His particular office?

20 Q His particular office.

21 A No.

22 Q Eventually you communicated with someone  
23 at the State's Attorney's Office about bringing  
24 charges in the fall of 2006; is that right?

1 A Correct.

2 Q So between the conversation with  
3 Mr. Devine and the fall of 2006 when you spoke to  
4 someone at the State's Attorney's Office about  
5 bringing charges, did you have any communication  
6 with anyone at the Cook County State's Attorney's  
7 Office?

8 A The subpoenas would have been sent to  
9 the Third District for approval. So any subpoenas  
10 that might have been requested or sent go through  
11 the State's Attorney's Office in the LaGrange area,  
12 and then we get a copy and send it off to the  
13 provider.

14 Q Apart from communications about  
15 subpoenas from the Third District, between the call  
16 with Mr. Devine and the fall of 2006 when you spoke  
17 to someone at the State's Attorney's Office about  
18 bringing charges, did you have any other  
19 communication with anyone at the Cook County  
20 State's Attorney's Office?

21 A Not that I recall, no.

22 Q Did the fact that Mr. Devine contacted  
23 you have any impact on the way you handled the  
24 Save a Life investigation?

1 Q May 16th of 2006?

2 A Correct.

3 Q That meeting is also referenced, if you  
4 look at -- turn to Exhibit 3, the police report, on  
5 the first page. It says, R/I and Lt. Schulze,  
6 No. 30, met with Kyle French of the Illinois  
7 Attorney General's Office in reference to this  
8 investigation.

9 Is that the meeting that you just  
10 testified about, Detective Martin?

11 A Yes.

12 Q It also says on Exhibit 3, first page,  
13 Mr. French advised that he was available to assist  
14 with the investigation and had already sent  
15 preservation requests to Yahoo, Comcast and  
16 Roosevelt University.

17 Did Mr. French tell you how he knew to  
18 go ahead and send those preservation requests prior  
19 to the meeting on May 16, 2006?

20 A He may have. I don't recall if he did  
21 specifically say that.

22 Q Had you spoken to Mr. French prior to  
23 the meeting on May 16, 2006?

24 A I had not, no.

1 A Nope.

2 Q It didn't make you prioritize or  
3 accelerate the investigation?

4 A Nope.

5 Q You testified earlier that Kyle French  
6 from the Attorney General's Office, the Illinois  
7 Attorney General's Office became involved in the  
8 case; is that correct?

9 A Correct.

10 Q How often did you meet in person with  
11 Kyle French?

12 A One for sure that I remember. I don't  
13 recall if we met in person any other times after  
14 that, in reference to this case.

15 Q Did you work on any other cases with  
16 Kyle French?

17 A I don't think so. Not to my  
18 recollection, no.

19 Q Do you recall when you had that meeting  
20 with Kyle French?

21 A It was May 15th -- May 17th, I'm sorry.  
22 May 17th of '06.

23 Q Would it refresh your --

24 A I'm sorry, May 6th -- May 16th of '06.

1 Q Do you recall any of the substance of  
2 the conversation with Kyle French when you met with  
3 him on May 16, 2006?

4 A Other than what's stated in my report,  
5 no.

6 Q When you were working on the  
7 investigation, did you speak with Kyle French on  
8 the telephone?

9 A Yes.

10 Q About how often would you speak with  
11 Mr. French on the telephone?

12 A I don't think I could put a number on  
13 it. Maybe a handful of times.

14 Q Did you exchange emails with Kyle French  
15 while you were working on this investigation?

16 A Yes, I did.

17 Q If you had to put a number on it, about  
18 how many emails would you say you exchanged with  
19 Kyle French?

20 A Maybe ten.

21 Q Looking at Exhibit 3, still on the first  
22 page in the entry dated May 16, 2006, it says R/I  
23 and Lt. Schulze went to the listed address for  
24 Miss Melongo, and then an address is listed.

1 Why did you go to the address listed for  
2 Miss Melongo on May 16, 2006?

3 A In an attempt to speak to her about the  
4 allegations that had been made.

5 Q Did you speak with Miss Melongo on that  
6 date?

7 A No, we did not.

8 Q Why not?

9 A I don't think we made contact.

10 Q Why did you want to speak to  
11 Miss Melongo on that date, May 16, 2006?

12 A Just like in any case, we are trying to  
13 get her side of the story.

14 Q Did you make any follow-up attempts to  
15 try to speak with Miss Melongo after the May 16,  
16 2006?

17 A I did.

18 Q When were those attempts?

19 A June 9th of 2006, June 20th of 2006 and  
20 again on July 20th when we issued the search  
21 warrant.

22 Q Your attempts prior to July 20th to  
23 speak to Miss Melongo were unsuccessful?

24 A Yes.

1 the times that were listed on that screenshot were  
2 in daylight savings time.

3 Q He, are you referring to Mr. Davis or  
4 Mr. Barnes?

5 A Mr. Barnes.

6 Q And by screenshots of files located on  
7 the servers, are you referring to files located on  
8 Save a Life Foundation servers?

9 A Yes.

10 Q What was the relevance of those  
11 screenshots of Save a Life servers?

12 A He was showing -- one of the times that  
13 was listed on there, according to the operating  
14 system, was the last accessed time. Trying to show  
15 that these files had been last accessed and then  
16 eventually deleted at that time.

17 Q What did those -- did you review the  
18 copies of the screenshots?

19 A I did.

20 Q And what did they show?

21 A The exact -- I don't recall the exact  
22 times, but the screenshots showed that the last  
23 access times were between the hours of I think  
24 1:00 in the morning to 3:00 in the morning on the

1 Q So I'm still on Exhibit 3, the bottom of  
2 the first page and then going into the second, the  
3 entry dated May 17, 2006. It states that you and  
4 Lieutenant Schulze met with Robert Barnes and  
5 Vincent David -- Davis of Save a Life Foundation on  
6 May 17, 2006; is that correct?

7 A Yes.

8 Q Who is Robert Barnes?

9 A An employee of Save a Life.

10 Q And who is Vincent Davis?

11 A Also an employee.

12 Q Why did you meet with Mr. Davis and  
13 Mr. Barnes on May 17, 2006?

14 A We were meeting with them to get some  
15 more information that they had obtained in  
16 reference to the allegations that were made.

17 Q What information was that that they had  
18 obtained?

19 A Based on the report it was server log  
20 was -- in review of this case for this deposition,  
21 it's not logs. They were screenshots of files that  
22 were located on the server -- like screenshots of  
23 files that were -- folders, I should say, and files  
24 that were on the server. And he was describing how

1 28th of 2006 -- I'm sorry, April 28th of 2006.

2 Q That was the time when the alleged  
3 intrusion took place on the Save a Life servers?

4 A Yes.

5 Q Was anyone else present when you met  
6 with Mr. Barnes and Mr. Davis on May 17, 2006?

7 A Other than Lieutenant Schulze, I don't  
8 believe there was anyone else.

9 Q Did Mr. Davis and Mr. Barnes give you  
10 any other documents when you met on that date?

11 A I don't recall specific documents, but  
12 according to my report there were no other  
13 documents.

14 Q Apart from your report do you recall  
15 anything about the conversation with Mr. Davis and  
16 Mr. Barnes, what was said during that  
17 conversation?

18 A No. Other than what is put in the  
19 report, no.

20 Q So you are going off of what is listed  
21 in your report, Exhibit 3?

22 A Yes, ma'am.

23 Q So let's walk through some of that then.  
24 I'm looking at the page at the bottom,

1 Melongo\_005216 of Exhibit 3.

2 A I'm sorry, where are we at?

3 Q We are on the second page. It has a  
4 number at the bottom Melongo\_ --

5 A Oh, yes, sorry.

6 Q -- 005216. If you look at about the  
7 fifth line it says, once her employment was  
8 terminated, Miss Melongo had no further access to  
9 the computers from within the building and that an  
10 employee named Christian changed all of the pass  
11 codes to each of the servers after she left the  
12 building.

13 Is this a statement that Mr. Barnes told  
14 you when you met with him on May 17, 2006?

15 A Based on what's written here in the  
16 report, I believe so, yes.

17 Q And it's your understanding that  
18 Miss Melongo was terminated on April 27, 2006,  
19 correct?

20 A Correct.

21 Q Do you know who Christian is referred  
22 to -- which is referred to in the paragraph I just  
23 read?

24 A To my knowledge it's Christian Sass, the

1 gentleman that was their IT administrator after  
2 Miss Melongo was fired.

3 Q Did you discuss with anyone at  
4 Save a Life how Miss Melongo could have accessed  
5 their servers if the pass codes had been changed  
6 right after she was fired?

7 A I know that was it -- I'm not sure if it  
8 was Mr. Barnes or Mr. Davis, but one of them stated  
9 they believed that she thought she went in through  
10 the email server, but I don't recall who may have  
11 said that.

12 Oh, Mr. Barnes, believed the intrusion  
13 to the computer system occurred somehow through the  
14 web via the company's email server.

15 Q So they believed, Mr. Barnes or  
16 Mr. Davis, that Miss Melongo accessed Save a Life  
17 servers -- the entire servers for the company via  
18 the email server?

19 A That's his assumption, yes.

20 Q Did they explain why they made that  
21 assumption?

22 A No.

23 Q Did you investigate if it would be  
24 possible to access Save a Life servers using the

1 email server?

2 A I didn't specifically investigate that  
3 route, no.

4 Q You continue on the page we've just been  
5 reading, the second page of Exhibit 3, it says --  
6 now towards the end of the first paragraph,  
7 Mr. Barnes also believed the intrusion to the  
8 computer system occurred somehow through the web  
9 via the company's email server, but he was unsure  
10 as to how this may have occurred because the  
11 company disconnected the DSL lines from the servers  
12 after the suspect's employment was terminated.

13 That's the statement you just alluded  
14 to --

15 A Yes.

16 Q -- in your report?

17 A Yes.

18 Q What does DSL stand for?

19 A I don't know exactly. I believe it  
20 stands like direct service line or something like  
21 that. I can't recall. It's been a while.

22 Q Do you know what a DSL line is?

23 A Yeah, it's an internet connection, a  
24 type of internet connection.

1 Q Would you agree that it would have been  
2 impossible to access Save a Life servers via DSL  
3 line if the DSL lines were disconnected?

4 A Can you say it one more time?

5 MS. SCHWARTZ: Would you read it back.

6 THE WITNESS: Would you read that back,  
7 please.

8 (The record was read.)

9 THE WITNESS: No, I do not agree to that.

10 By Ms. Schwartz:

11 Q Why not?

12 A Because there is multiple ways a  
13 computer can be accessed, whether it has actual --  
14 that computer specifically has internet connection  
15 or not.

16 Q If remote access is down -- if the  
17 internet is down on the servers, could someone  
18 remotely access those servers?

19 A Yes.

20 Q So in this case what was your view as to  
21 how the intruder to Save a Life Foundation's  
22 systems could have remotely accessed Save a Life  
23 servers if the DSL line was down?

24 A It just says the DSL lines were



<p style="text-align: right;">Page 125</p> <p>1 disconnected from the servers, which I take to mean</p> <p>2 that the servers themselves were not accessible to</p> <p>3 the internet, the outside world -- I shouldn't say</p> <p>4 the outside world, but the internet itself.</p> <p>5 But if another computer on that specific</p> <p>6 network still has internet access, that has the</p> <p>7 network credentials to connect to those servers, a</p> <p>8 person could potentially log into those servers and</p> <p>9 delete data.</p> <p>10 Q So a person could access the Save a Life</p> <p>11 networks even if they were not -- strike that.</p> <p>12 A person could have accessed Save a Life</p> <p>13 Foundation servers that were not connected to the</p> <p>14 internet if that person had network access?</p> <p>15 A If the compute -- the computer that is</p> <p>16 remotely being accessed has the ability to be</p> <p>17 remotely accessed and is on the internet and</p> <p>18 discoverable on the network, and they can -- a</p> <p>19 person could enter like -- it's like entering a</p> <p>20 door. If you can get into a door on a house, no</p> <p>21 matter where that door is located, if that door is</p> <p>22 accessible, once you are inside, you can navigate</p> <p>23 throughout as long as your permission level</p> <p>24 allows.</p>	<p style="text-align: right;">Page 127</p> <p>1 that only four other people should have known?</p> <p>2 A No, and I don't know -- no, I don't.</p> <p>3 Q The next sentence of Exhibit 3, second</p> <p>4 page says Mr. Davis also gave R/I the name of the</p> <p>5 person who they called to repair the server on</p> <p>6 1, May, 06, Critical Technology Solutions.</p> <p>7 Was that Don Peters the person from</p> <p>8 Critical Technology Solutions?</p> <p>9 A Yes. I believe he's the owner of the</p> <p>10 company or it's his company.</p> <p>11 Q And did you speak to Don Peters as part</p> <p>12 of your investigation?</p> <p>13 A Yes, at least once that I remember.</p> <p>14 Q Was that also on May 17, 2006?</p> <p>15 A Correct.</p> <p>16 Q Did Mr. Peters tell you what his company</p> <p>17 did or was doing related to Save a Life Foundation</p> <p>18 servers and computers?</p> <p>19 A Yes.</p> <p>20 Q What did he tell you?</p> <p>21 A According to the report, he was told</p> <p>22 kind of what had happened in regards to the</p> <p>23 intrusion, and the fact that they were unable to</p> <p>24 access their data.</p>
<p style="text-align: right;">Page 126</p> <p>1 Q Was that your understanding of how</p> <p>2 someone accessed Save a Life Foundation servers</p> <p>3 remotely on April 28, 2006?</p> <p>4 A Yes.</p> <p>5 Q Continuing on that same page we've been</p> <p>6 reading of Exhibit 3, second page, at the end of</p> <p>7 this second paragraph it states, Mr. Davis believed</p> <p>8 the suspect had been monitoring SALF management's</p> <p>9 email for some time.</p> <p>10 Did Mr. Davis tell you why he thought</p> <p>11 the suspect, Miss Melongo, had been monitoring SALF</p> <p>12 management's email?</p> <p>13 A It was in reference to the fact that she</p> <p>14 had specific knowledge of communications that had</p> <p>15 been occurring. And he makes a reference to at</p> <p>16 some point only four people knew a specific bite of</p> <p>17 information, I don't recall what it was, but only</p> <p>18 four people knew about it, and she was not supposed</p> <p>19 to be one of the four, but she was aware of it.</p> <p>20 Q Do you remember what that information</p> <p>21 that Miss Melongo had was?</p> <p>22 A No, I don't recall.</p> <p>23 Q Did Mr. Davis say how he came to</p> <p>24 discover that Miss Melongo had this information</p>	<p style="text-align: right;">Page 128</p> <p>1 So she basically told him that several</p> <p>2 people tried to fix it, but couldn't, and then they</p> <p>3 called him to do what he could do. And he told her</p> <p>4 that evidence discovery as far as what could be</p> <p>5 presented to the police to use in court, there is</p> <p>6 no clear chain of custody. And knowing that, she</p> <p>7 still decided to move forward with his company's</p> <p>8 recovery efforts.</p> <p>9 Q So that's what Mr. Peters told you he</p> <p>10 did and said to Carol Spizzirri?</p> <p>11 A Yes.</p> <p>12 Q Do you recall anything else about that</p> <p>13 conversation with Don Peters?</p> <p>14 A No, other than the fact he was going --</p> <p>15 I needed -- I wanted a document that stated, you</p> <p>16 know, his findings basically or his...</p> <p>17 Q Did you receive a document stating</p> <p>18 Critical Technology Solutions' findings?</p> <p>19 A I did. It was a couple days later, I</p> <p>20 believe.</p> <p>21 Q I'm handing Detective Martin Plaintiff's</p> <p>22 Deposition Exhibit --</p> <p>23 MR. KAPLAN: 10.</p> <p>24 MS. SCHWARTZ: -- 10, CCSAO 000188.</p>

<p style="text-align: right;">Page 129</p> <p>1 (A document was marked Plaintiff's 2 Deposition Exhibit Martin No. 10 3 for identification.) 4 By Ms. Schwartz: 5 Q Is Exhibit 10 a true and accurate copy 6 of an email you received from Donald Peters dated 7 May 18, 2006? 8 A It appears to be. And according to this 9 there was an attachment, and I believe it was an 10 attachment that he had provided in the letter that 11 I think he gave to Carol, Miss Spizzirri. 12 Q So I'll hand you Plaintiff's Deposition 13 Exhibit 11, which is Attorney General's 001365, 14 1366. 15 (A document was marked Plaintiff's 16 Deposition Exhibit Martin No. 11 17 for identification.) 18 By Ms. Schwartz: 19 Q Is Exhibit 11 the attachment, the report 20 from Critical Technology Solutions to 21 Miss Spizzirri dated May 11, 2006? 22 A It appears to be, yes. 23 Q So you received both of these documents, 24 Exhibit 10 and Exhibit 11 as part of your</p>	<p style="text-align: right;">Page 131</p> <p>1 about some of those issues? 2 A We discussed it as far as, you know, 3 what his opinion was. 4 Q Doesn't that quoted statement that I 5 just read mean that the condition of Save a Life 6 Foundation servers could have changed between the 7 time of the intrusion on April 28th and the time 8 Mr. Peters' company completed its work? 9 A I missed it. Could they have changed? 10 MS. SCHWARTZ: Would you mind reading the 11 question back. 12 (The record was read.) 13 THE WITNESS: The condition have changed? 14 Yes, it's possible they could have changed. 15 By Ms. Schwartz: 16 Q And doesn't the quoted statement I just 17 read of Exhibit 11 mean that it would be difficult 18 to prove the exact condition of the servers 19 immediately after the Save a Life intrusion? 20 A I don't know that it would be difficult 21 to prove the condition because he states on page 1 22 what the condition was when he got it. 23 Q But he does say -- Don Peters does say 24 on Exhibit 11, it is not possible to state with</p>
<p style="text-align: right;">Page 130</p> <p>1 investigation? 2 A Yes. 3 Q Let's start with Exhibit 11. 4 Did you review Exhibit 11 when you 5 received it from Donald Peters? 6 A I did. 7 Q If you turn to the second page, the 8 first paragraph where he says it is important to 9 note that following the discovery of data loss on 10 April 28th, many technical personnel attempted to 11 perform recovery procedures on the Dell and Sony 12 systems. These actions were appropriately matched 13 to the technician's skill sets and we apparently 14 carried out in a good faith effort to provide 15 recovery. With the number of personnel involved 16 and the amount of time prior to our examination, it 17 is not possible to state with complete certainty 18 that the file tag information, dates, times, 19 et cetera, is accurate. 20 Are these some of the chain of custody 21 issues that you referenced earlier today in your 22 testimony? 23 A Yes. 24 Q And did you speak to Don, Donald Peters</p>	<p style="text-align: right;">Page 132</p> <p>1 compete certainty that the file tag information, 2 dates, times, et cetera is accurate? 3 A The information that he was able to 4 obtain, and I'm referencing the screenshots that 5 were provided to us, of the server and the file 6 tree that I was referencing earlier, those dates 7 and times. He's saying that it's not possible to 8 say what the evidence that he obtained from those 9 servers, those times -- he can't state that those 10 times are accurate, but then he goes on to say that 11 it would take an extraordinary effort to modify 12 these -- this information, but that's only at the 13 time that he recovered those items. 14 Q Let's turn to Exhibit 10, the email. In 15 Exhibit 10 Don Peters wrote I -- towards the bottom 16 of the first paragraph, I advised the group that 17 with multiple personnel attempting recovery on the 18 drives over the previous days, and no clear chain 19 of custody, the quality of any evidence discovery 20 would be questionable at best. 21 MR. KAPLAN: Do you have a question? 22 MS. SCHWARTZ: Yes, I'm thinking. 23 THE WITNESS: That's what I didn't know if it 24 was a question. I was going to have you read it</p>

<p style="text-align: right;">Page 133</p> <p>1 back.</p> <p>2 By Ms. Schwartz:</p> <p>3 Q The fact that there was no clear chain</p> <p>4 of custody and that the quality of any evidence</p> <p>5 discovery would be questionable at best, didn't</p> <p>6 that mean that you could not obtain evidence from</p> <p>7 the Save a Life Foundation servers or computers</p> <p>8 that was preserved as of the time of the alleged</p> <p>9 intrusion?</p> <p>10 MR. KAPLAN: Objection, calls for speculation.</p> <p>11 THE WITNESS: I wouldn't know if there was --</p> <p>12 it was possible or not.</p> <p>13 By Ms. Schwartz:</p> <p>14 Q What did you understand Mr. Peters to</p> <p>15 mean when he said the quality of any evidence</p> <p>16 discovery would be questionable at best?</p> <p>17 A The quality evidence in reference to</p> <p>18 having someone testify specifically to the evidence</p> <p>19 that was recovered and who might have recovered it</p> <p>20 and from where it was recovered.</p> <p>21 Q Mr. Peters wouldn't be able to say what</p> <p>22 evidence was recovered and where it was recovered?</p> <p>23 MR. KAPLAN: Objection, calls for</p> <p>24 speculation.</p>	<p style="text-align: right;">Page 135</p> <p>1 Consulting, Inc.?</p> <p>2 A No. I was aware of the fact that there</p> <p>3 were people that were hired or attempted to recover</p> <p>4 the data, I should say, but I didn't -- I don't</p> <p>5 specifically remember if I knew it was True</p> <p>6 Consulting.</p> <p>7 Q If you turn to page at the bottom,</p> <p>8 Attorney General 000107, the paragraph that starts</p> <p>9 virus/malicious intent?</p> <p>10 A I'm sorry, what page of that?</p> <p>11 Q 107.</p> <p>12 A 107.</p> <p>13 MR. KAPLAN: Page 2 of this report.</p> <p>14 By Ms. Schwartz:</p> <p>15 Q The second page.</p> <p>16 A Oh, the second page.</p> <p>17 Q In the paragraph that starts</p> <p>18 virus/malicious intent it says, when viewing the IP</p> <p>19 log for the network, we noticed that an external IP</p> <p>20 addressed logged into SALF's servers on Friday and</p> <p>21 engaged or trolled the server for over four hours.</p> <p>22 Do you recall learning that someone had</p> <p>23 discovered that there had been an external IP</p> <p>24 address that trolled the server for four hours?</p>
<p style="text-align: right;">Page 134</p> <p>1 By Ms. Schwartz:</p> <p>2 Q Is that what he told you?</p> <p>3 A The way I understand what he wrote to</p> <p>4 mean is that the quality of the evidence, which to</p> <p>5 me means the evidence -- if there was evidence</p> <p>6 discovered, he specifically couldn't say that this</p> <p>7 was recovered by what individual at what time, and</p> <p>8 be usable in court in the sense of when we have</p> <p>9 evidence, we have to know that.</p> <p>10 Q I'm handing you Plaintiff's Deposition</p> <p>11 Exhibit 12, Attorney General 000106 to 113.</p> <p>12 (A document was marked Plaintiff's</p> <p>13 Deposition Exhibit Martin No. 12</p> <p>14 for identification.)</p> <p>15 By Ms. Schwartz:</p> <p>16 Q This is a report from True Consulting,</p> <p>17 Inc., dated April 30, 2006.</p> <p>18 Did you review this True Consulting</p> <p>19 report as part of your investigation?</p> <p>20 A I don't recall if I was provided a copy</p> <p>21 of this or not.</p> <p>22 Q Did you learn about any recovery efforts</p> <p>23 that were done on the Save a Life Foundation</p> <p>24 computers or servers by a company called True</p>	<p style="text-align: right;">Page 136</p> <p>1 A No, not that I recall.</p> <p>2 Q Did you ever ask Save a Life Foundation</p> <p>3 or any of these third-party vendors that worked for</p> <p>4 Save a Life Foundation to provide you information</p> <p>5 about IP addresses that accessed their network on</p> <p>6 April 28, 2006?</p> <p>7 THE WITNESS: Can you read back the question,</p> <p>8 please?</p> <p>9 (The record was read.)</p> <p>10 THE WITNESS: Yes, I did.</p> <p>11 By Ms. Schwartz:</p> <p>12 Q What did you ask for?</p> <p>13 A I remember asking Web HSP for whatever</p> <p>14 information they might have as far as what IP</p> <p>15 addresses were captured during the time of the</p> <p>16 alleged incident. I don't recall if I asked Don</p> <p>17 Peters or not.</p> <p>18 Q Did you ever obtain any information</p> <p>19 about IP addresses that accessed Save a Life system</p> <p>20 on April 28, 2006 from Web HSP?</p> <p>21 A No, I did not.</p> <p>22 Q Did you ever obtain such information</p> <p>23 from any other source?</p> <p>24 A Not that I recall, no.</p>

<p style="text-align: right;">Page 137</p> <p>1 Q Did you ever speak with Brian Salerno?</p> <p>2 A I don't recall if I did or not.</p> <p>3 MS. SCHWARTZ: Let's take a lunch break now.</p> <p>4 MR. KAPLAN: Sure.</p> <p>5 MS. SCHWARTZ: Let's go off the record.</p> <p>6 (A discussion was had off the</p> <p>7 record.)</p> <p>8 (Whereupon, a lunch recess was</p> <p>9 taken until 12:45 p.m., this day,</p> <p>10 Tuesday, May 8, 2018.)</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p style="text-align: right;">Page 139</p> <p>1 APPEARANCES: (Continued)</p> <p>2 Ms. Lisa Madigan, Attorney General,</p> <p>3 State of Illinois, by:</p> <p>4 Ms. Shirley R. Calloway</p> <p>5 Assistant Attorney General</p> <p>6 on behalf of Defendant Kyle French;</p> <p>7 Ms. Dina M. Ninfo</p> <p>8 Angelini, Mills, Woods &amp; Ori Law</p> <p>9 on behalf of Defendant</p> <p>10 Ms. Carol Spizzirri.</p> <p>11</p> <p>12 Also Present:</p> <p>13</p> <p>14 Ms. Annabel Melongo (via telephone)</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>
<p style="text-align: right;">Page 138</p> <p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE NORTHERN DISTRICT OF ILLINOIS</p> <p>3 EASTERN DIVISION</p> <p>4 ANNABEL MELONGO, )</p> <p>5 Plaintiff, )</p> <p>6 vs. )No. 13-cv-04924</p> <p>7 ASA ROBERT PODLASEK, et al., )</p> <p>8 Defendants. )</p> <p>9 180 North LaSalle Street</p> <p>10 Chicago, Illinois</p> <p>11</p> <p>12 Tuesday, May 8, 2018</p> <p>13 12:49 p.m.</p> <p>14</p> <p>15 The deposition of DETECTIVE WILLIAM MARTIN</p> <p>16 resumed pursuant to recess.</p> <p>17</p> <p>18 APPEARANCES:</p> <p>19 Ms. Julia K. Schwartz</p> <p>20 Mr. Michael L. Shakman</p> <p>21 Miller Shakman &amp; Beem</p> <p>22 on behalf of Plaintiff;</p> <p>23</p> <p>24 Ms. Kimberly M. Foxx, State's Attorney of</p> <p>Cook County Illinois, by:</p> <p>Ms. Bianca Brown</p> <p>Assistant State's Attorney</p> <p>on behalf of all Cook County Defendants;</p> <p>Mr. Eric D. Kaplan</p> <p>Mr. Christopher S. Wunder</p> <p>Kaplan Papadakis &amp; Gournis, P.C.</p> <p>on behalf of Defendant William Martin</p> <p>and Schiller Park;</p>	<p style="text-align: right;">Page 140</p> <p>1 MS. SCHWARTZ: All right. We are back on the</p> <p>2 record after lunch. The same attorneys are present</p> <p>3 in the room. Miss Brown, who stepped out, but will</p> <p>4 be joining us shortly, and Michael Shakman for the</p> <p>5 plaintiff will probably also be stepping in and out</p> <p>6 in the afternoon.</p> <p>7 DETECTIVE WILLIAM MARTIN,</p> <p>8 called as a witness herein, having been duly sworn,</p> <p>9 was examined and testified further as follows:</p> <p>10 EXAMINATION (Continued)</p> <p>11 By Ms. Schwartz:</p> <p>12 Q I'm handing Detective Martin Plaintiff's</p> <p>13 Deposition Exhibit 13, Melongo_004398.</p> <p>14 (A document was marked Plaintiff's</p> <p>15 Deposition Exhibit Martin No. 13</p> <p>16 for identification.)</p> <p>17 By Ms. Schwartz:</p> <p>18 Q Detective Martin, do you recognize</p> <p>19 Exhibit 13?</p> <p>20 A I believe so, yes.</p> <p>21 Q Exhibit 13 is a letter dated November 2,</p> <p>22 2006 from Carol Spizzirri to Richard Devine.</p> <p>23 Did you receive a copy of this email</p> <p>24 around the time it was sent -- of this letter,</p>

1 excuse me, around the time it was sent?

2 A I don't know when I received it, but I  
3 remember receiving a copy of this.

4 Q In the body of this letter it states, it  
5 is with extreme appreciation I write to inform you  
6 that due to the professionalism by your executive  
7 assistant Randy Roberts working with  
8 Detective Martin of the Schiller Park Police  
9 Department a warrant has been issued for the arrest  
10 of the party who destroyed our computer service.

11 Did you work with executive assistant  
12 State's Attorney Randy Roberts --

13 A I did not.

14 Q -- on this?

15 A I specifically did not, no.

16 Q Do you recall ever meeting Mr. Roberts  
17 or speaking to Mr. Roberts about the Save a Life  
18 investigation?

19 A No, I do not.

20 Q Not on the phone or email or any other  
21 form?

22 A No, ma'am.

23 Q Do you have any idea why Miss Spizzirri  
24 states in this letter, Exhibit 13, that you and

1 Q I'd like to turn your attention to  
2 Exhibit 3, your police report, the second page, the  
3 entry dated May 17, 2006 towards the bottom. It  
4 states, R/I then contact Web HSP in Colorado, the  
5 web host for SALF's email server. R/I was advised  
6 to speak to Mike, the owner of the company. Mike  
7 informed R/I that the company should have the IP  
8 addresses of any computer accessing his company's  
9 servers and that he would send R/I the information  
10 collected for the dates of the intrusions.

11 Did you speak with someone named Mike at  
12 Web HSP on May 17, 2006?

13 A I believe so, according to the report.

14 Q Do you recall independently of the  
15 report your conversation with Mike at Web HSP?

16 A No, not off the top of my head, no.

17 Q Do you know what Mike's last name was or  
18 is?

19 A No idea.

20 Q Is there a reason you didn't list Mike's  
21 last name in the police report?

22 A Only that I didn't get it.

23 Q And was May 17th the on -- 2006, the  
24 only time you ever spoke to someone named Mike at

1 Randy Roberts worked together?

2 MR. WUNDER: Objection, speculation.

3 THE WITNESS: No, I have no idea why.

4 (At this point in the deposition

5 Ms. Brown reentered the room.)

6 By Ms. Schwartz:

7 Q I would ask you a few additional  
8 questions about Save a Life's DSL lines.

9 Were you aware that at the Save a Life  
10 Foundation the DL -- DSL lines were connected  
11 through the server?

12 A The only information we had regarding  
13 the DSL lines and the servers were that they were  
14 disconnected from them.

15 Q Were you aware that Save a Life  
16 Foundation did not have WiFi?

17 A I don't recall if we were ever informed  
18 of whether they had it or not.

19 Q Were you aware that at Save a Life  
20 foundation, the DSL lines were the only way  
21 internet was connected to their organization, given  
22 that there was no WiFi at Save a Life?

23 A I don't think we were ever notified  
24 whether they had any additional provider or not.

1 Web HSP?

2 A The best of my recollection, yes.

3 Q You testified earlier that no one at  
4 Web HSP ever sent you -- strike that.

5 Did Mike or anyone at Web HSP ever send  
6 you IP addresses of any company that accessed his  
7 company's servers on May 1, 2006.

8 A No, we never received anything other  
9 than the email from Web HSP, but we got that from I  
10 believe it was Save a Life.

11 Q The Tech Support email is what you are  
12 referring to?

13 A Correct. That's the only thing we ever  
14 got from -- regards to Web HSP.

15 Q So you never received Web HSP's server  
16 logs?

17 A No.

18 Q Wouldn't Web HSP's server logs have  
19 shown the IP addresses used to access Carol  
20 Spizzirri's email account on May 6, 2006?

21 MR. KAPLAN: Hold, can you read back the  
22 question, please?

23 (The record was read.)

24 MR. KAPLAN: Objection, calls for speculation.

<p style="text-align: right;">Page 145</p> <p>1 Answer, if you can.</p> <p>2 THE WITNESS: I wouldn't -- I wouldn't know.</p> <p>3 By Ms. Schwartz:</p> <p>4 Q I'm showing Detective Martin Exhibit 14,</p> <p>5 Spizzirri000001093.</p> <p>6 (A document was marked Plaintiff's</p> <p>7 Deposition Exhibit Martin No. 14</p> <p>8 for identification.)</p> <p>9 By Ms. Schwartz:</p> <p>10 Q Is Exhibit 14 a true and accurate copy</p> <p>11 of an email you sent to Carol Spizzirri dated</p> <p>12 February 8, 2010?</p> <p>13 A It appears to be, yes.</p> <p>14 Q You ask Miss Spizzirri, can you locate</p> <p>15 the contact information for Web HSP in Colorado.</p> <p>16 They were the company that hosted your SALF email</p> <p>17 server.</p> <p>18 On February 8, 2010 you were asking for</p> <p>19 information related to Web HSP?</p> <p>20 A Yes.</p> <p>21 Q Why were you asking for information</p> <p>22 related to Web HSP in February 2010?</p> <p>23 A I don't recall the exact reason.</p> <p>24 Q Did someone ask you to reach out to</p>	<p style="text-align: right;">Page 147</p> <p>1 Exhibit 15, Spizzirri000001087 to 88.</p> <p>2 (A document was marked Plaintiff's</p> <p>3 Deposition Exhibit Martin No. 15</p> <p>4 for identification.)</p> <p>5 By Ms. Schwartz:</p> <p>6 Q Is this a true and accurate copy of an</p> <p>7 email you received from admin@webhsp.com on</p> <p>8 February 9, 2010?</p> <p>9 A It appears to be, yes.</p> <p>10 Q Someone named John Burns from Web HSP is</p> <p>11 responding to Miss Spizzirri's request for</p> <p>12 information; is that correct?</p> <p>13 A Yeah, it appears to be a response --</p> <p>14 well, it was forwarded to me -- I shouldn't say</p> <p>15 forwarded.</p> <p>16 What was sent to me was the contact</p> <p>17 information in regards to what appears to be Carol</p> <p>18 reaching out to the admin web -- excuse me -- the</p> <p>19 admin@webhsp.com requesting they contact me.</p> <p>20 Q And in the email at the top dated</p> <p>21 February 9, 2010, John Burns states, I have called</p> <p>22 Detective Martin and left a message and should</p> <p>23 speak with him today.</p> <p>24 Did you ever speak with John Burns?</p>
<p style="text-align: right;">Page 146</p> <p>1 Miss Spizzirri about Web HSP?</p> <p>2 A I can only assume that someone did,</p> <p>3 yes.</p> <p>4 Q But you don't recall who that might have</p> <p>5 been?</p> <p>6 A No, ma'am.</p> <p>7 Q What were you looking for specifically</p> <p>8 from Web HSP in February 2010?</p> <p>9 A It refers to contact information so that</p> <p>10 we could get ahold of them, and I -- like again, I</p> <p>11 can only assume that we were still trying to obtain</p> <p>12 the server logs or locating someone to testify at</p> <p>13 that point.</p> <p>14 Q Apart from May 17, 2006, about which we</p> <p>15 just talked -- the date we just talked about --</p> <p>16 strike that.</p> <p>17 Between May of 2006 and February of</p> <p>18 2010, did you ever ask Web HSP for information</p> <p>19 about the email server logs for Save a Life</p> <p>20 Foundation?</p> <p>21 A Other than what was specifically entered</p> <p>22 in the report on May 17th, I don't recall ever</p> <p>23 trying to make contact with them personally.</p> <p>24 Q I'm handing you Plaintiff's Deposition</p>	<p style="text-align: right;">Page 148</p> <p>1 A I don't recall if I actually spoke to</p> <p>2 him or not.</p> <p>3 Q I'm handing you Plaintiff's Deposition</p> <p>4 Exhibit 16, Spizzirri000001081.</p> <p>5 (A document was marked Plaintiff's</p> <p>6 Deposition Exhibit Martin No. 16</p> <p>7 for identification.)</p> <p>8 By Ms. Schwartz:</p> <p>9 Q Is this a true and accurate copy of an</p> <p>10 email you received on February 9, 2010 from</p> <p>11 admin@webhsp.com?</p> <p>12 A It appears to be.</p> <p>13 Q In Exhibit 16 John Burns, again of</p> <p>14 Web HSP says, it was nice speaking to you today.</p> <p>15 As discussed Web HSP does not have any of the log</p> <p>16 files you were needing for this case. When Carol</p> <p>17 canceled her account with Web HSP, those log files</p> <p>18 would have been destroyed when her VPS was removed</p> <p>19 from our server.</p> <p>20 Do you recall speaking to Mr. Burns and</p> <p>21 him telling you that he did not have log files</p> <p>22 related to the case?</p> <p>23 A I don't recall the conversation, but</p> <p>24 obviously I did, based upon the email that I</p>

<p style="text-align: right;">Page 149</p> <p>1 received.</p> <p>2 Q Do you know when Miss Spizzirri canceled</p> <p>3 her account with Web HSPC --</p> <p>4 A No.</p> <p>5 Q -- with Web HSP?</p> <p>6 A No, I do not.</p> <p>7 Q I'm handing you Plaintiff's Deposition</p> <p>8 Exhibit 17, Spizzirri000001073 to 77.</p> <p>9 (A document was marked Plaintiff's</p> <p>10 Deposition Exhibit Martin No. 17</p> <p>11 for identification.)</p> <p>12 MR. KAPLAN: 17?</p> <p>13 MS. SCHWARTZ: 17.</p> <p>14 By Ms. Schwartz:</p> <p>15 Q Is this a true and accurate copy of an</p> <p>16 email Carol Spizzirri sent you on February 14,</p> <p>17 2010?</p> <p>18 A It appears to be. It's similar to the</p> <p>19 one that we received.</p> <p>20 Q It appears she's forwarding you the</p> <p>21 May 4, 2006 email that we discussed earlier?</p> <p>22 A Correct.</p> <p>23 MR. KAPLAN: Exhibit 7.</p> <p>24 THE WITNESS: Exhibit 7.</p>	<p style="text-align: right;">Page 151</p> <p>1 tsupport@gmail.com, it's also the other emails that</p> <p>2 they -- were referenced in those other exhibits.</p> <p>3 Q I'm handing you Plaintiff's Deposition</p> <p>4 Exhibit 18, Spizzirri000001070.</p> <p>5 (A document was marked Plaintiff's</p> <p>6 Deposition Exhibit Martin No. 18</p> <p>7 for identification.)</p> <p>8 By Ms. Schwartz:</p> <p>9 Q Is Exhibit 18 a true and accurate copy</p> <p>10 of an email you received from Carol Spizzirri on</p> <p>11 February 21, 2010?</p> <p>12 A It appears to be.</p> <p>13 Q The subject line is may have the Annabel</p> <p>14 data you're looking for.</p> <p>15 What data were you looking for on or</p> <p>16 around February 21, 2010?</p> <p>17 A I -- the only data I was looking for in</p> <p>18 regards to her was contact information from</p> <p>19 Web HSP. I wasn't looking for any additional</p> <p>20 information other than that.</p> <p>21 Q So you don't know what she's referring</p> <p>22 to when she says may have the Annabel data you are</p> <p>23 looking for and then in the body of the email says</p> <p>24 while compiling all my Annabel's files for</p>
<p style="text-align: right;">Page 150</p> <p>1 By Ms. Schwartz:</p> <p>2 Q Which is Exhibit 7.</p> <p>3 She is forwarding that same email, now</p> <p>4 with subject line in the February 14, 2010 email,</p> <p>5 Annabel's footprints you may be looking for.</p> <p>6 Do you know why Carol Spizzirri sent you</p> <p>7 this email on February 14, 2010?</p> <p>8 A I have no idea why.</p> <p>9 Q You had already received this document,</p> <p>10 the embedded document dated May 4, 2006 from her?</p> <p>11 A Yes. Well, from somebody at Save a</p> <p>12 Life. I don't know it's from her. But this</p> <p>13 appears -- this Exhibit 17 has not only Exhibit 7,</p> <p>14 but the following pages are other exhibits that</p> <p>15 appear to be -- no. The other exhibits are</p> <p>16 included in here, some of that.</p> <p>17 Q Is one of them Exhibit 5 maybe?</p> <p>18 A Part of -- it looks like part of</p> <p>19 Exhibit 4, and then also part of the Exhibit 5, and</p> <p>20 again copied into Exhibit 6 it looks like.</p> <p>21 Q There are a number of emails included?</p> <p>22 A Well, it's I think the same text that's</p> <p>23 been copied throughout those previous exhibits. So</p> <p>24 not only is it the email from Tech Support -- or</p>	<p style="text-align: right;">Page 152</p> <p>1 Podlasek, I found seven pages from 4/28/06, paths</p> <p>2 for deleted files and time between 1:17 a.m. to</p> <p>3 3:25 a.m.</p> <p>4 Do you know what she's referring to</p> <p>5 then?</p> <p>6 A I could speculate as to the screenshots</p> <p>7 from the server showing the files and the modified</p> <p>8 access and created times.</p> <p>9 Q Did she send or fax you any additional</p> <p>10 information on or around February 21, 2010?</p> <p>11 A I don't recall if she did or not. I</p> <p>12 would assume that she did saying -- because the</p> <p>13 email says she's going to fax it.</p> <p>14 Q You requested records from Comcast and</p> <p>15 Yahoo as part of your investigation in 2006, did</p> <p>16 you not?</p> <p>17 A I did.</p> <p>18 Q I'm handing you Plaintiff's Deposition</p> <p>19 Exhibit 19, CCSAO 006572 to 74.</p> <p>20 (A document was marked Plaintiff's</p> <p>21 Deposition Exhibit Martin No. 19</p> <p>22 for identification.)</p> <p>23 By Ms. Schwartz:</p> <p>24 Q The first page of Exhibit 19 is a fax</p>

<p style="text-align: right;">Page 153</p> <p>1 cover sheet and the second two pages say at the top  2 grand jury subpoena request.  3 Are these copies of two grand jury  4 subpoena requests that you faxed to Comcast on  5 May 31, 2006?  6 A They appear to be, yes.  7 Q And turning to the second and third  8 pages of Exhibit 19, at the bottom is some  9 handwriting.  10 Is that your handwriting?  11 A Yes.  12 Q Or just the second page rather is  13 handwriting.  14 A Correct. Correct, the second page.  15 Q Did Kyle French send you a grand jury  16 subpoena request form by email before you sent this  17 to Comcast?  18 A He had sent some subpoenas to us. I  19 don't know if it was this specific one, but he did  20 send us some templates and...  21 Q What was the reason for Mr. French  22 sending you subpoena templates?  23 MR. KAPLAN: Objection, calls for  24 speculation.</p>	<p style="text-align: right;">Page 155</p> <p>1 Q We already talked this morning about the  2 May 1, 2006 email forwarding.  3 Why did you think that the April 28,  4 2006 alleged intrusion occurred using IP address  5 24.15.202.102?  6 A It was based upon the -- what we  7 believed to be the suspect's IP in relation to the  8 other incident with the email. We were trying to  9 show that the -- the device that had that IP was  10 on-line at the time that the deletion occurred.  11 Q So you were trying to show that the 102  12 address, that IP address was used on April 28, 2006  13 at the time of the alleged intrusion?  14 A Yes.  15 Q At this time did you have any evidence  16 that that IP address, the 102 address, was used to  17 access SALF's servers in the early morning hours of  18 April 28, 2006?  19 A I don't think we did at that point.  20 Q So the statement all of these incidents  21 occurred on the internet using the internet  22 protocol IP address of 24.15.202.102 was not  23 accurate with respect to the April 28, 2006  24 intrusion?</p>
<p style="text-align: right;">Page 154</p> <p>1 THE WITNESS: Just to provide assistance as  2 far as what information needed to be contained in  3 those documents to get the proper results.  4 By Ms. Schwartz:  5 Q Did -- was the narrative content on this  6 Exhibit 19, did you draft that content or did Kyle  7 French draft some of that content, or was it a  8 joint effort?  9 A I don't recall. I would have typed this  10 information in. I don't recall if it was language  11 that he compiled or I compiled.  12 Q In the middle of the page, the second  13 page of Exhibit 19, there is a section that says  14 the facts briefly stated are as follows.  15 Turning to the very last sentence, all  16 of these incidents occurred on the internet using  17 the internet protocol IP address of 24.15.202.102  18 at the above listed times. The IP address of  19 24.15.202.102 belongs to Comcast Cable Company.  20 Does these incidents in the first  21 sentence I just read refer to the April 28, 2006  22 intrusion on SALF's servers and the May 1, 2006  23 email forwarding?  24 A Yes, it relates to both.</p>	<p style="text-align: right;">Page 156</p> <p>1 A Correct.  2 Q I'm handing you Plaintiff's Deposition  3 Exhibit 20, CCSAO 000214 to 215.  4 (A document was marked Plaintiff's  5 Deposition Exhibit Martin No. 20  6 for identification.)  7 By Ms. Schwartz:  8 Q Is this a true and accurate copy of a  9 grand jury subpoena issued by the grand jury for  10 records from Comcast IP Services?  11 A It appears to be, yes.  12 Q The subpoena requests information  13 related to the 102 address we've been discussing;  14 is that right?  15 A Correct.  16 Q And was filed with the grand jury  17 May 25, 2006?  18 A Yes.  19 Q Did you present this to the grand jury  20 or what was the process to get this filed by the  21 grand jury?  22 A No. We just send our subpoenas to the  23 Third District. They -- the subpoena request I  24 should say goes to the Third District. They review</p>



<p style="text-align: right;">Page 157</p> <p>1 the request, and then they will take it to the 2 grand jury and have it filed. 3 Q By Third District, are you referring -- 4 A The Third District courthouse in 5 Rolling Meadows. 6 Q So it's an Assistant State's Attorney 7 that would present this to the grand jury? 8 A I believe so, yes. 9 Q Did Comcast respond to this subpoena, 10 Exhibit 20? 11 A Yes, they did. 12 Q I'm handing you Plaintiff's Deposition 13 Exhibit 21, Melongo_004106 to 4116. 14 (A document was marked Plaintiff's 15 Deposition Exhibit Martin No. 21 16 for identification.) 17 By Ms. Schwartz: 18 Q Is this a true and accurate copy of a 19 fax you sent to Kyle French on June 6 -- June 5, 20 2006, which included Comcast's response to the 21 grand jury subpoena? 22 A It appears to be. 23 Q Would you turn to the third page of 24 Exhibit 21, which is marked at the bottom</p>	<p style="text-align: right;">Page 159</p> <p>1 address 1218 East Long Valley Drive, Apartment 3A 2 in Palatine. The representative wrote based on the 3 information provided pursuant to the subpoena, we 4 are unable to find any information responsive to 5 the request. 6 So Comcast also had no records for a 7 Comcast internet services customer Annabel Melongo 8 at that address for the dates requested; is that 9 correct? 10 A What -- what was determined days later, 11 I forget what that -- it looks like according to my 12 report, June 7th, I called them in regards to this 13 response, and I was told something along the lines 14 of is when they receive subpoena, the search 15 parameters that are defined within the subpoena, 16 that's what they put in. 17 And so their records -- their search -- 18 I forget the word -- their search results would 19 only show if those two parameters were met at the 20 same time. 21 Q In other words, the address and the name 22 were both identified -- 23 A Together. They have to be together. So 24 they would search both together. If it didn't</p>
<p style="text-align: right;">Page 158</p> <p>1 Melongo 4108. The Comcast representative who wrote 2 this letter in response to the subpoena wrote 3 regarding the 102 address, second paragraph, 4 Comcast cannot identify the subscriber account 5 associated with this request. 6 Was it your understanding that Comcast 7 was not able to locate subscriber information 8 related to the 102 address we've been discussing? 9 A Correct. It says the log files used to 10 make subscriber account identifications were either 11 incomplete or contained an error associated with 12 the registration of the cable modem or other device 13 in question. 14 Q So they weren't able to produce any 15 records in response to that particular request? 16 A For those -- yeah, specific dates, 17 yes. 18 Q The specific dates were April 28, 2006 19 and May 1, 2006? 20 A Correct. 21 Q Turning to the next page, Bates stamped 22 at the bottom Melongo_004109, this is a letter from 23 Comcast in response to the subpoena for internet 24 subscriber records pertaining to Annabel Melongo,</p>	<p style="text-align: right;">Page 160</p> <p>1 associate that name with that address in a specific 2 account, they wouldn't come back. 3 So what they suggested we do is we would 4 send -- they suggested we send separate subpoenas, 5 one just for the name and see if that -- then they 6 would search just the name, and then one just for 7 the address and they would search just the 8 address. 9 Q Did you send separate subpoenas? 10 A I sent the request. I don't believe 11 they were ever sent out though. 12 Q Did you ever determine whether 13 Miss Annabel Melongo had a Comcast account in April 14 or May of 2006? 15 A We had no record from Comcast stating 16 that, that's correct. 17 Q You were involved in the preparation of 18 a search warrant to search Miss Melongo's home in 19 Palatine, were you not? 20 A I was. 21 Q What was your involvement with respect 22 to the search warrant -- preparing the search 23 warrant? 24 A At that point I would have relied on</p>

1 what Kyle French, offering his assistance in how to  
2 draft such a document and have the correct language  
3 in it. So he would have -- I believe he provided a  
4 templet for me to do so.

5 Q Did he provide any other assistance in  
6 terms of preparing the search warrant?

7 A I believe he was verifying some of the  
8 information as far as -- and the language in that  
9 with his supervisor. I don't recall who that was,  
10 but.

11 Q What information and language was Kyle  
12 French verifying?

13 A That I don't recall specifically.

14 Q How did you decide to seek a search  
15 warrant for Miss Melongo's home?

16 MR. KAPLAN: Object to the vagueness of the  
17 question.

18 THE WITNESS: That's what I mean, I don't know  
19 how to answer that.

20 By Ms. Schwartz:

21 Q Excuse me, why did you decide to seek a  
22 search warrant for Miss Melongo's home?

23 A Well, obviously we believed that there  
24 was a device there that potentially had evidence on

1 during that conversation?

2 A Other than what's written in the report  
3 about him in reference to getting the search  
4 warrant approved and signed by a judge and  
5 discussing potentially when to serve that  
6 warrant.

7 Q There is a reference in the portion I  
8 just read of Exhibit 3 to new information in the  
9 June 28, '06 entry.

10 What was the new information that French  
11 thought was potentially relevant?

12 A The Yahoo subpoena -- or search warrant  
13 response.

14 Q What about the Yahoo search warrant  
15 response was new information that was relevant to  
16 determining whether to get a search warrant for  
17 Miss Melongo's home?

18 A We believed that the response showed  
19 that the Yahoo account that was in question here of  
20 being involved in the incident was an account, you  
21 know, and the response showed that it was an  
22 account that was controlled by Miss Melongo. It  
23 showed the log-ins on or about, around the times  
24 that the alleged incidents occurred.

1 it or the apartment may contain evidence in  
2 relation to these crimes that had been alleged.

3 Q Were you specifically interested in any  
4 computers or electronic devices of  
5 Miss Melongo's?

6 A Yeah, and anything related to Save a  
7 Life at that -- that she might have been in  
8 possession of.

9 Q Turning your attention to your police  
10 report, Exhibit 3, the entry dated June 28, 2006.

11 A Okay.

12 Q It states, R/I faxed Yahoo's response to  
13 the search warrant to Mr. French. Later that day  
14 R/I spoke to Mr. French who stated that he reviewed  
15 the information that R/I had sent him with his  
16 boss. After reviewing the information, both he and  
17 his boss believed that with this information there  
18 was enough evidence against Miss Melongo for a  
19 search warrant for her home could be issued.

20 Did you speak with Mr. French on  
21 June 28, 2006?

22 A I did.

23 Q Apart from what I just read and that's  
24 listed in Exhibit 3, do you recall what was said

1 It showed -- it captured the IP  
2 addresses of the device that were used to access  
3 that account, and provided some -- I believe it had  
4 some documents in regards to what was contained in  
5 what Yahoo calls their briefcase, which is like an  
6 on-line storage for documents.

7 Q If you turn to the entry dated July 10,  
8 2006 on Exhibit 3, it states, the second sentence  
9 of that entry, Mr. French stated that his boss  
10 reviewed his initial draft and stated that it  
11 needed more information in it. R/I then emailed  
12 Mr. French a copy of this report for him to refer  
13 to for the required information. Mr. French stated  
14 that he would attempt to get R/I the search warrant  
15 by 14 July 2006.

16 This suggests that Kyle French drafted  
17 some part of the search warrant; is that true?

18 A Yes.

19 Q What portions of the search warrant did  
20 Mr. French draft?

21 A I don't recall what specific portions he  
22 may have drafted.

23 Q The passage I just read of Exhibit 3  
24 said -- states that Mr. French said his boss

1 indicated that the search warrant needed more  
2 information.

3 Do you know what that information was  
4 that was needed?

5 A I think -- I don't know specifically  
6 what information he was looking for. I know that  
7 he requested a copy of my report, up to the point  
8 that the request was made. So he --

9 Q By your report, you mean your police  
10 report?

11 A Yes, the supplemental report up to that  
12 point was sent -- a copy was sent to him. So I  
13 don't know what specific information within that  
14 report he was looking for.

15 Q I'm handing you Plaintiff's Deposition  
16 Exhibit 22, Attorney General 001171 to 1181.  
17 (A document was marked Plaintiff's  
18 Deposition Exhibit Martin No. 22  
19 for identification.)

20 By Ms. Schwartz:

21 Q Exhibit 22 has certain identifying  
22 information and addresses redacted.

23 Apart from the redactions, is Exhibit 22  
24 a true and accurate copy of the search warrant for

1 Inc., (Yahoo) email account  
2 melongo\_annabel@yahoo.com using the internet  
3 protocol (IP) address 24.15.202.102.

4 Are the email server logs referenced in  
5 that sentence I just read --

6 A They are.

7 Q -- the Tech Support -- sorry.

8 Are the email server logs referenced in  
9 that sentence I just read, is that the Tech Support  
10 email you testified about earlier or is that  
11 something else?

12 A No, it's the Tech Support email.

13 Q The actual server logs from Web HSP were  
14 never sent to Schiller Park, correct?

15 A Correct.

16 Q Why did you refer to the Tech Support,  
17 tsupport@gmail.com as an email server log?

18 A It was just a misstatement.

19 Q This page of Exhibit --

20 A Yeah --

21 Q -- 22 contained a misstatement about --

22 A Well, --

23 Q -- whether that was the server logs?

24 A -- the email itself contained excerpts

1 Miss Melongo's home and complaint for search  
2 warrant?

3 A It appears to be.

4 Q And the first page is the actual search  
5 warrant and all the remaining pages are the  
6 complaint for search warrant; is that correct?

7 A Yes. Except for the last page, which is  
8 an attachment, listed attachment A.

9 Q And on the complaint for search warrant  
10 pages, is that your signature on the bottom?

11 A Complaint, yes. On the complaint,  
12 yes.

13 Q And this is a sworn statement by you for  
14 the purpose of seeking the issuance of a search  
15 warrant?

16 A Yes.

17 Q I would like to turn your attention to  
18 the fourth page of the complaint for search  
19 warrant, also Bates numbered Attorney  
20 General 001175.

21 Look at the bottom of the second full  
22 paragraph of that page, it states, according to  
23 email server logs, the intruder forwarded email  
24 from Miss Spizzirri's email account to the Yahoo,

1 from those logs, so that's what I was referring to,  
2 but where we got it from was this Tech Support  
3 email.

4 Q On the next page, which is page 5 of the  
5 search warrant complaint, identified as Attorney  
6 General 001176, it states additionally and  
7 according to server records provided by Yahoo, the  
8 same IP address used by the intruder to access Save  
9 a Life's servers on or about April 28, 2006 from  
10 approximately 1:32 a.m. through 3:25 a.m.,  
11 (i.e., 24.15.202.102), was used to access the Yahoo  
12 account Melongo\_Annabel over 25 times between  
13 April 8, 2006 and May 9, 2006.

14 What evidence was there that that 102 IP  
15 address was used to access Save a Life servers on  
16 April 28, 2006?

17 A I don't believe we had any at that  
18 point.

19 Q So it's not accurate to say that that IP  
20 address, the 102 address, was used by the intruder  
21 on April 28, 2006?

22 A Correct.

23 Q This Exhibit 22 was signed by a Judge,  
24 correct? The search warrant --

<p style="text-align: right;">Page 169</p> <p>1 A Yes.</p> <p>2 Q -- was signed by a Judge?</p> <p>3 A Yes.</p> <p>4 Q After the search warrant was signed by a</p> <p>5 Judge, what did you do in terms of preparation for</p> <p>6 executing the search warrant?</p> <p>7 A Other than talking to Mr. French and</p> <p>8 having him help us set up the forensic examiners to</p> <p>9 join in the search, that was probably about it.</p> <p>10 Q You testified that certain forensic</p> <p>11 examiners joined you in the search?</p> <p>12 A Correct.</p> <p>13 Q Who were those forensic examiners?</p> <p>14 A Shahna Monge and Amber, I think it's</p> <p>15 pronounced Haqqani.</p> <p>16 Q Other than you, Shahna Monge and Amber</p> <p>17 Haqqani was anyone else present when you executed</p> <p>18 the search warrant at Miss Melongo's home?</p> <p>19 A Yeah, my partner at the time</p> <p>20 Detective Koch, which is spelled K-o-c-h.</p> <p>21 Q Was anyone else present?</p> <p>22 A No, not at the time of the search, no.</p> <p>23 Q You were present for the execution of</p> <p>24 the search warrant, correct?</p>	<p style="text-align: right;">Page 171</p> <p>1 Q Where did that conversation take</p> <p>2 place?</p> <p>3 A In her apartment.</p> <p>4 Q Where in her apartment did the</p> <p>5 conversation take place?</p> <p>6 A I believe it was the kitchen.</p> <p>7 Q And while you were speaking to</p> <p>8 Miss Melongo, where were the others, Miss Haqqani,</p> <p>9 Miss Monge and is it Detective Koch?</p> <p>10 A Correct. The forensic examiners or the</p> <p>11 Attorney General's personnel were searching the</p> <p>12 apartment while myself and Detective Koch spoke</p> <p>13 with Miss Melongo.</p> <p>14 (At this point in the deposition</p> <p>15 Mr. Shakman entered the room.)</p> <p>16 By Ms. Schwartz:</p> <p>17 Q You testified you and Detective Koch</p> <p>18 were in Miss Melongo's kitchen when you spoke to</p> <p>19 her?</p> <p>20 A Correct.</p> <p>21 Q Did you read Miss Melongo her Miranda</p> <p>22 warnings before you spoke to her?</p> <p>23 A I did.</p> <p>24 Q What was said during that conversation</p>
<p style="text-align: right;">Page 170</p> <p>1 A Yes.</p> <p>2 Q Why were the forensic examiners,</p> <p>3 Miss Monge and Miss Haqqani present for the</p> <p>4 execution of the search warrant?</p> <p>5 A We were searching for electronic</p> <p>6 evidence, and based upon their experience, and they</p> <p>7 had more experience than I did at the time in</p> <p>8 regards to what information -- or what types of</p> <p>9 devices to look for and possible recovery of</p> <p>10 evidence from those devices.</p> <p>11 Q Whose decision was it that Amber Haqqani</p> <p>12 and Shahna Monge would join for the execution of</p> <p>13 the search warrant?</p> <p>14 A I believe the offer was made by</p> <p>15 Mr. French to say hey, you know, we have this</p> <p>16 available to us if you want to use them. And I of</p> <p>17 course said yes, because of what we were looking</p> <p>18 for.</p> <p>19 Q The search warrant was executed on</p> <p>20 July 20, 2006; is that correct?</p> <p>21 A Yes.</p> <p>22 Q Did you speak with Annabel Melongo</p> <p>23 during the execution of the search warrant?</p> <p>24 A I did.</p>	<p style="text-align: right;">Page 172</p> <p>1 with Miss Melongo on July 20, 2006?</p> <p>2 A Just the -- you know, the summary is</p> <p>3 listed here in the report, but basically, you know,</p> <p>4 she was read her Miranda. She initialed and signed</p> <p>5 the form that we have saying that she agreed to</p> <p>6 speak to me without her attorney present.</p> <p>7 She stated that she had gone to</p> <p>8 Save a Life on -- excuse me -- on Monday April, 27,</p> <p>9 2006 to pick up her paycheck. She overheard that</p> <p>10 the company was having computer problems and she</p> <p>11 offered her assistance.</p> <p>12 At that point, Miss Spizzirri accused</p> <p>13 her of causing the problem. Miss Melongo denied</p> <p>14 the allegations, and she only offered to help</p> <p>15 because her replacement was not qualified as</p> <p>16 Miss Melongo -- I'm sorry -- as Miss Melongo</p> <p>17 alleged with the computers.</p> <p>18 She continued to state that she was an</p> <p>19 employee there at Save a Life, and at the time she</p> <p>20 had job titles of assistant administrator, web</p> <p>21 designer and programmer. Part of her job duties</p> <p>22 were to access -- or she had access to all of the</p> <p>23 passwords for the Save a Life employees, access to</p> <p>24 the web server and all the company passwords.</p>

<p style="text-align: right;">Page 173</p> <p>1 Miss Melongo also admitted to accessing  2 the server to get her emails for up to two weeks.  3 She provided I believe the dates of 2007 -- '06 to  4 May 14th of 06. She claimed that after her exit  5 interview on April 27th of '06, she was checking  6 only her Save a Life email account and did not  7 change any settings or system passwords at that  8 point.  9 She also admitted to viewing  10 Miss Spizzirri's emails in which Miss Spizzirri  11 blamed Miss Melongo for the problems that Save a  12 Life was having with their computer system.  13 After she viewed those she emails,  14 Miss Melongo had forwarded those emails to her  15 Yahoo email account melongo_annabel@yahoo and she  16 claimed that no one else accesses her Yahoo account  17 but her.  18 Do you want me to continue on with her  19 statement?  20 Q So you're reading from Exhibit 3, which  21 is your police report; is that right?  22 A Correct.  23 Q And that's a documentation you made of  24 the conversation you had with Miss Melongo?</p>	<p style="text-align: right;">Page 175</p> <p>1 A No, he did not.  2 Q He did not?  3 A No.  4 Q Miss Melongo did not sign a written  5 statement reflecting the content of your  6 conversation; is that true?  7 A No, --  8 Q Did you ask --  9 A -- no, she did not. I'm sorry. Go  10 ahead.  11 Q Go ahead.  12 A No, she did not.  13 Q Did you ask her to sign a written  14 statement?  15 A No.  16 Q Why not?  17 A It wasn't something that we did. The  18 State's Attorney's Office around that time was  19 hesitant to take written statements from anyone in  20 any case.  21 Q Do you know why the State's Attorney was  22 hesitant?  23 A No, I do not.  24 Q Did you make any notes regarding your</p>
<p style="text-align: right;">Page 174</p> <p>1 A Yeah, it's a summary of what she said.  2 Q Do you independently remember anything  3 about the conversation with Miss Melongo on  4 July 20, 2006 separate from reading your report?  5 A No.  6 Q Do you recall anything you said to  7 Miss Melongo during that conversation?  8 A Nothing specifically, no.  9 Q And you don't recall anything she said  10 to you on July 20, 2006?  11 A Other than what's documented here, no.  12 Q And you remember what's documented here  13 because it's in this written report?  14 A Yes.  15 Q You testified that Detective Koch was  16 also present when Miss Melongo was interviewed by  17 you; is that correct?  18 A Correct.  19 Q Do you recall anything he said to  20 Miss Melongo during that conversation?  21 A No, I do not.  22 Q Did Detective Koch take any independent  23 notes or make any separate report apart from your  24 report, Exhibit 3?</p>	<p style="text-align: right;">Page 176</p> <p>1 conversation with Miss Melongo on July 20, 2006  2 apart from what's in Exhibit 3?  3 A No, I didn't.  4 Q Apart from what you've testified to  5 today, and what's listed in Exhibit 3, do you have  6 any other recollection of what Miss Melongo told  7 you on July 20, 2006?  8 A No, I do not.  9 Q Now, this isn't the first time you've  10 been asked to testify under oath about  11 Miss Melongo's statements on July 20, 2006,  12 correct?  13 A Correct.  14 Q You testified before two grand juries  15 both in January of 20 -- 2007 and May 2008,  16 correct?  17 A I believe the years are correct. I  18 don't recall the month.  19 Q And in both grand juries at which you  20 testified you gave testimony about Miss Melongo's  21 statements to you on July 20, 2006?  22 A I did.  23 Q I'm handing you Plaintiff's Deposition  24 Exhibit 23, which is Bates numbered Melongo_005982</p>

1 to 5995.

2 (A document was marked Plaintiff's  
3 Deposition Exhibit Martin No. 23  
4 for identification.)

5 By Ms. Schwartz:

6 Q Before we discuss Exhibit 23 in detail,  
7 I want to ask you one additional question about  
8 Exhibit 3, your police report.

9 A Okay.

10 Q When did you prepare Exhibit 3, the  
11 contents of Exhibit 3?

12 A In it's entirety?

13 Q Let's start, when did you finish  
14 Exhibit 3? When was it finalized?

15 A Specifically, I don't know the exact  
16 date that it was finalized, but the date that I --  
17 how to put this -- our reporting system doesn't  
18 show the exact time of -- it's this entry here at  
19 the top of Exhibit 3, where it says date and time  
20 of the report, 30 october 2006, 1530, that is what  
21 I would say is the time that I completed it, as far  
22 as the -- or I began to type this report.

23 The report summary -- I shouldn't say  
24 summary, but the report that was requested by

1 A Well, I would review it, the contents of  
2 it prior to submitting it to -- for approval to my  
3 boss.

4 Q In terms of this entry dated July 20,  
5 2006 that we've been discussing, the content of the  
6 July 20, 2006 entry, when did you write that  
7 content?

8 A I don't know the specific day, but more  
9 than likely it was done that day or the following  
10 day.

11 Q Did you make any edits to it before  
12 Exhibit 3 was finalized?

13 A As far as the -- edits as in what's  
14 listed here? I'm not understanding the question as  
15 far as edits.

16 Q So after -- you testified that on or  
17 shortly after July 20, 2006 you wrote the narrative  
18 content that makes up this July 20, 2006 entry,  
19 correct?

20 A Correct.

21 Q After you wrote up that content on or  
22 around July 20, 2006, after that did you make any  
23 edits or changes to that July 20th entry?

24 A I don't recall that I did, and I would

1 Mr. French prior to that, I forget what day it was,  
2 in regards to the search warrant for the home --  
3 Miss Melongo's home, that was a partial of this. I  
4 don't recall if I -- there wasn't -- there wouldn't  
5 be a date on it. Like I wouldn't have put a date  
6 on the top. I would have just sent him a copy of  
7 what I had at that point, and then I would continue  
8 on later on with the report and then I would put  
9 the date on it when I would actually print it and  
10 submit it.

11 Q So each of these dated entries starting  
12 with May 5, 2006 and ending with October 30, 2006,  
13 did you draft that particular narrative content on  
14 the day of the entry or after the fact?

15 A In or around that day. It may not have  
16 been that specific day, but within a day or two  
17 potentially of that being written.

18 Q And when the report was finalized, some  
19 time around October 30, 2006, did you go back  
20 through and make any edits, corrections to the  
21 earlier parts of the report?

22 A Once it was finalized, no.

23 Q Did you do that just before it was  
24 finalized?

1 say no. I wouldn't normally, no. Other than a  
2 typo or something like that, I wouldn't edit it,  
3 the content of it.

4 Q After Exhibit 3 was finalized on Oc --  
5 on or around October 30, 2006, were any changes  
6 made to Exhibit 3?

7 A Once it was finalized and submitted, no,  
8 no changes were made.

9 Q So Exhibit 3 has been -- not been  
10 altered since around October 30, 2006?

11 A To my knowledge, no.

12 Q Let's turn back to Exhibit 23, which is  
13 a transcript from the grand jury proceeding dated  
14 May 28, 2008.

15 You appeared before the grand jury on  
16 May 2008 -- May 28, 2008; is that correct?

17 A Yes.

18 Q And is this a -- Exhibit 23 a true and  
19 accurate copy of the transcript from the  
20 proceedings that day?

21 A It appears to be.

22 Q And during the grand jury proceedings  
23 you were under oath; is that correct?

24 A I was.

<p style="text-align: right;">Page 181</p> <p>1 Q And Robert Podlasek asked you some</p> <p>2 questions on that date?</p> <p>3 A He did.</p> <p>4 Q So I would like to turn your attention</p> <p>5 to page 10 of Exhibit 23. On page 10, Robert</p> <p>6 Podlasek asked you the following questions and you</p> <p>7 gave the following answers:</p> <p>8 Question, What did Miss Melongo say</p> <p>9 about the email accounts?</p> <p>10 Answer, She claimed that she had access</p> <p>11 because she was the administrator for the</p> <p>12 company.</p> <p>13 Question, Did she indicate that she was</p> <p>14 only trying to check out her email accounts?</p> <p>15 Answer, Yes.</p> <p>16 And did she also indicate to you during</p> <p>17 this conversation that the emails from Carol</p> <p>18 Spizzirri were actually forwarded to her by</p> <p>19 another employee?</p> <p>20 Answer, That was her excuse, yes.</p> <p>21 You remember being asked those questions</p> <p>22 and giving those answers in May of 2008?</p> <p>23 A I do.</p> <p>24 Q In your grand jury testimony that I just</p>	<p style="text-align: right;">Page 183</p> <p>1 from her.</p> <p>2 By Ms. Schwartz:</p> <p>3 Q That question you read does not</p> <p>4 specifically relate to what Miss Melongo told you</p> <p>5 on July 20 of 2006, correct?</p> <p>6 A In that context, no. It doesn't say</p> <p>7 that it was from -- that information was obtained</p> <p>8 from something Miss Melongo had said.</p> <p>9 Q Detective Martin, I'm handing you</p> <p>10 Plaintiff's Deposition Exhibit 23, Melongo --</p> <p>11 MR. KAPLAN: 24?</p> <p>12 MS. SCHWARTZ: 24, excuse me. Melongo_003387</p> <p>13 to 3397.</p> <p>14 (A document was marked Plaintiff's</p> <p>15 Deposition Exhibit Martin No. 24</p> <p>16 for identification.)</p> <p>17 By Ms. Schwartz:</p> <p>18 Q Detective Martin, you also appeared</p> <p>19 before the grand jury on January 17, 2007; is that</p> <p>20 correct?</p> <p>21 A Yes, I did.</p> <p>22 Q Is Exhibit 24 a true and accurate copy</p> <p>23 of a transcript of the grand jury proceedings that</p> <p>24 day, January 17, 2007?</p>
<p style="text-align: right;">Page 182</p> <p>1 read from May 2008, you did not testify that</p> <p>2 Miss Melongo admitted to forwarding Carol</p> <p>3 Spizzirri's email -- emails, correct?</p> <p>4 A Can you repeat that again?</p> <p>5 (The record was read.)</p> <p>6 THE WITNESS: Not in that page, no.</p> <p>7 By Ms. Schwartz:</p> <p>8 Q And you did not testify anywhere in this</p> <p>9 grand jury proceeding that Miss Melongo had</p> <p>10 admitted to forwarding Carol Spizzirri's email --</p> <p>11 emails, correct?</p> <p>12 A Without reviewing it, I don't think so.</p> <p>13 Q I'll give you a moment.</p> <p>14 MR. KAPLAN: Could you read back the question</p> <p>15 that's currently pending?</p> <p>16 (The record was read.)</p> <p>17 THE WITNESS: On page 9 there is a reference</p> <p>18 to:</p> <p>19 Question, Some time on or about May 1,</p> <p>20 2006, did Miss Melongo also access the email</p> <p>21 accounts of Carol Spizzirri?</p> <p>22 Yes.</p> <p>23 It's kind of in reference to what was</p> <p>24 stated, but not specifically saying it's coming</p>	<p style="text-align: right;">Page 184</p> <p>1 A It appears to be.</p> <p>2 Q And on January 17, 2007 you were under</p> <p>3 oath, correct?</p> <p>4 A I was.</p> <p>5 Q And Robert Podlasek asked you questions</p> <p>6 and you gave answers, correct?</p> <p>7 A Yes.</p> <p>8 Q I would like to turn your attention to</p> <p>9 page 7 of Exhibit 24. At page 7 Robert Podlasek</p> <p>10 asked you the following questions and you gave the</p> <p>11 following answers:</p> <p>12 Question, And what did Miss Melongo say</p> <p>13 about the email accounts?</p> <p>14 Answer, She said that she had gone into</p> <p>15 the email server to check her own account and</p> <p>16 claimed that the emails were forwarded to her</p> <p>17 by another employee.</p> <p>18 Do you remember being asked those</p> <p>19 questions and giving those answers in January of</p> <p>20 20 -- 2007?</p> <p>21 A I do.</p> <p>22 Q In your grand jury testimony in</p> <p>23 January 2007, you did not testify that</p> <p>24 Miss Melongo admitted to forwarding any emails</p>

1 from Carol Spizzirri's account?

2 A No, I don't believe I was ever asked  
3 about that.

4 Q In the portion of the grand jury  
5 testimony I just read, you testified that  
6 Miss Melongo told you that the emails were  
7 forwarded to her by another employee, correct?

8 A Yes.

9 Q Your grand jury testimony regarding  
10 Miss Melongo's statements to you was inconsistent  
11 with the statement we reviewed in Exhibit 3, your  
12 police report, correct?

13 MR. KAPLAN: Hold on a second.

14 Can you repeat that question, please?

15 (The record was read.)

16 MR. KAPLAN: I would object. I think that  
17 it's argumentative and it's -- assumes facts that  
18 are not in evidence.

19 Go ahead and answer, if you can  
20 answer.

21 THE WITNESS: The statement as far as the  
22 emails being forwarded to her by another employee  
23 is not -- I don't believe is in the report. I  
24 believe we got that information from the email that

1 did tell you she forwarded the accounts?

2 A Uh-huh.

3 MR. KAPLAN: That's yes?

4 THE WITNESS: Yes. I'm sorry.

5 By Ms. Schwartz:

6 Q But that's not what you said in the 2007  
7 and 2008 grand jury, correct?

8 MR. KAPLAN: Objection. He testified that  
9 wasn't asked of him in either of those hearings.

10 THE WITNESS: That's correct, I was never  
11 asked specifically the question of whether or not  
12 she admitted to viewing those emails.

13 By Ms. Schwartz:

14 Q But you did not testify at either grand  
15 jury that Miss Melongo admitted to forwarding  
16 Miss Spizzirri's email, correct?

17 A No, I was never asked that question.

18 Q Did Robert Podlasek, Julie Gunnigle or  
19 anyone else ever ask you about that July 20, 2006  
20 conversation with Miss Melongo and her statement to  
21 you about forwarding Miss Spizzirri's emails?

22 A I'm sure we discussed it. I don't  
23 specifically know what questions were asked of me,  
24 but I'm sure we discussed it.

1 she had sent to Miss Spizzirri saying that they  
2 were forwarded to her.

3 By Ms. Schwartz:

4 Q So are you testifying today that  
5 Miss Melongo did not tell you that she forwarded  
6 Miss Spizzirri's emails from Miss Spizzirri's email  
7 account to her own email account?

8 A She didn't specifically say that to me,  
9 no, not that I recall.

10 Q I'd like to turn your attention to  
11 Exhibit 3, your police report, page 8. At the top  
12 it says Miss Melongo also admitted to viewing  
13 Miss Spizzirri's emails in which Miss Spizzirri  
14 blamed Miss Melongo for the problems SALF was  
15 having with their computer systems. After she  
16 reviewed those emails, Miss Melongo then forwarded  
17 those emails to her Yahoo email account,  
18 melongo\_annabel@yahoo.com.

19 Is it your testimony that Miss Melongo  
20 did not tell you she forwarded emails from  
21 Miss Spizzirri's account to her Yahoo email  
22 account?

23 A She did say, that's what -- I wrote it.

24 Q So your testimony is that Miss Melongo

1 Q Did Robert Podlasek, Julie Gunnigle or  
2 anyone else ever express any concern that you  
3 hadn't testified that Miss Melongo admitted to  
4 forwarding the emails at the grand jury?

5 A No.

6 Q Do you recall any conversations with  
7 Robert Podlasek, Julie Gunnigle or any other  
8 Assistant State's Attorney about your conversation  
9 with Miss Melongo on July 20, 2006?

10 A Other than in reviewing it for testimony  
11 purposes, no.

12 Q When you say reviewing it for testimony  
13 purposes, what do you mean?

14 A Well, I testified both at the grand  
15 juries and the perjury hearing, so I would -- you  
16 know, we discussed what was written in the report  
17 and what her statements were to me at that time.

18 Q So did you discuss with Robert Podlasek  
19 your conversation with Miss Melongo on July 20,  
20 2006, before the January 2007 grand jury?

21 A Not that I recall. Perhaps we may have,  
22 but I don't recall.

23 Q Did you discuss with Robert Podlasek  
24 the statements Miss Melongo made to you on



1 July 20, 2006 before the May 2008 grand jury?

2 A In review for it, yes.

3 Q What do you recall about those  
4 conversations with Mr. Podlasek?

5 A I don't recall specifically any details  
6 about the conversation other than, you know,  
7 reviewing it for testimony purposes.

8 Q Did you discuss your conversation with  
9 Miss Melongo on July 20, 2006 with Mr. Podlasek or  
10 Julie Gunnigle or anyone else prior to the  
11 October 2012 motion to dismiss hearing?

12 A I don't recall being called for that.  
13 If I was called to testify in that, it would have  
14 been the same thing, I would have, you know,  
15 prepped for my testimony at that point, discussed  
16 it then.

17 Q You testified about a perjury hearing.  
18 What were you alluding to when you  
19 testified about the perjury hearing?

20 A There was a hearing in front of -- I  
21 believe it was Judge Goebel in regards to whether  
22 or not I committed grand -- perjury at these grand  
23 jury testimony.

24 Q When was that hearing? When did that

1 take place?

2 A I don't recall.

3 I think his name is spelled G-o-e-b-e-l.

4 MS. SCHWARTZ: Let's take a five minute break.

5 (A recess was taken.)

6 (At this point in the deposition

7 Mr. Shakman left the room.)

8 By Ms. Schwartz:

9 Q Detective Martin, I'm showing you  
10 Plaintiff's Deposition Exhibit --

11 A 25.

12 Q -- 25, which is AG, Attorney  
13 General 001872.

14 Did I hand somebody a highlighted one?  
15 No.

16 (A document was marked Plaintiff's  
17 Deposition Exhibit Martin No. 25  
18 for identification.)

19 By Ms. Schwartz:

20 Q Detective Martin, do you recognize  
21 Exhibit 25?

22 A No, I do not.

23 Q Is that your handwriting on  
24 Exhibit 25?

1 A It is not.

2 Q Do you know whose handwriting it is on  
3 Exhibit 25?

4 MR. KAPLAN: Do you know?

5 THE WITNESS: No.

6 By Ms. Schwartz:

7 Q Did you recover any evidence during the  
8 execution of the search warrant on July 20, 2006 at  
9 Miss Melongo's home?

10 A Yes, there were items recovered as far  
11 as I...

12 Q What did you do with those items that  
13 were recovered?

14 A They were initially brought back to the  
15 Schiller Park Police Department and then the next  
16 day myself and Detective Koch transported them  
17 to -- there is a mistake in the report. I don't  
18 think it's regional computer forensic lab, but we  
19 transported them to 188 East Randolph and gave --  
20 turned the evidence over to Miss Monge and  
21 Miss Haqqani.

22 The -- I'm sorry, let me clarify. The  
23 electronic evidence that were going to be  
24 forensically analyzed were provided to her. The

1 other items stayed in Schiller Park.

2 Q And the -- what you were just reading,  
3 you said there might be a mis -- a typo or mistake,  
4 was Exhibit 3 of your police report?

5 A Correct. Where it says the regional  
6 computer forensic lab --

7 MR. KAPLAN: What page?

8 THE WITNESS: The bottom of page 8 of the  
9 report, which --

10 MR. WUNDER: 5222.

11 THE WITNESS: -- would be 5222, where it says  
12 it was transported to a particular address and the  
13 regional computer forensic lab, I don't believe  
14 that's their address. I think it's -- I can't  
15 think of the exact address, but I don't think  
16 it's -- I don't recall it being at the forensic --  
17 computer forensic -- regional computer forensic  
18 lab, which is run by the FBI.

19 By Ms. Schwartz:

20 Q I'm handing you Exhibit 26, Attorney  
21 General 001169 to 70.

22 (A document was marked Plaintiff's  
23 Deposition Exhibit Martin No. 26  
24 for identification.)

<p style="text-align: right;">Page 193</p> <p>1 By Ms. Schwartz:</p> <p>2 Q Does Exhibit 26 list what was recovered</p> <p>3 during the execution of the search warrant on</p> <p>4 Miss Melongo's home? I'm specifically looking at</p> <p>5 the second --</p> <p>6 A Yeah.</p> <p>7 Q -- page of Exhibit 26.</p> <p>8 A Page 2 does list items that were</p> <p>9 recovered. To the best of my knowledge this is</p> <p>10 everything that was seized.</p> <p>11 Q And that's your signature at the</p> <p>12 bottom?</p> <p>13 A Yes, electronically.</p> <p>14 Q And did you prepare this list on</p> <p>15 Exhibit 26?</p> <p>16 A I did.</p> <p>17 Q I'm showing you what's marked</p> <p>18 Plaintiff's Deposition Exhibit 27, CCSAO 008496 to</p> <p>19 8498.</p> <p>20 (A document was marked Plaintiff's</p> <p>21 Deposition Exhibit Martin No. 27</p> <p>22 for identification.)</p> <p>23 By Ms. Schwartz:</p> <p>24 Q Do you recognize Exhibit 27?</p>	<p style="text-align: right;">Page 195</p> <p>1 right column on page 1 and page 2, starting with</p> <p>2 AAA through GGG, --</p> <p>3 A Uh-huh.</p> <p>4 Q -- do those correspond to the letters on</p> <p>5 the second page of Exhibit 26?</p> <p>6 A It appears so, yes.</p> <p>7 Q What's the purpose of Exhibit 27, the</p> <p>8 chain of custody form?</p> <p>9 A To basically document the date and time</p> <p>10 and the specific items that were basically taken</p> <p>11 out of -- out of Schiller Park's control and secure</p> <p>12 facility and provided to another agency, in this</p> <p>13 case the High Tech Crimes Bureau.</p> <p>14 Q Based on your knowledge was forensic</p> <p>15 examination done on the computers that were seized</p> <p>16 from Miss Melongo's home?</p> <p>17 A Yes.</p> <p>18 Q Who did that forensic examination?</p> <p>19 A I believe it was Shahna Monge.</p> <p>20 Q Were you aware that Shahna Monge's last</p> <p>21 name is now Voita?</p> <p>22 A I read that in one of the deposition</p> <p>23 papers.</p> <p>24 Q So if I refer to Miss Voita, it's the</p>
<p style="text-align: right;">Page 194</p> <p>1 A I do.</p> <p>2 Q Is it a chain of custody form showing</p> <p>3 transfer of some of the evidence that was collected</p> <p>4 from Miss Melongo's home to Miss Monge?</p> <p>5 A Yes. This is our submission to her.</p> <p>6 Q I'm looking at the second page of</p> <p>7 Exhibit 27.</p> <p>8 Is that your signature at the bottom</p> <p>9 underneath the words chain of custody?</p> <p>10 A Yes.</p> <p>11 Q And this represents that you turned over</p> <p>12 evidence from your possession to Miss Monge on</p> <p>13 7/21/06?</p> <p>14 A Yes.</p> <p>15 Q And that included among other things two</p> <p>16 computers, a gray tower and a black laptop?</p> <p>17 A Yes.</p> <p>18 Q Those were computers that were seized</p> <p>19 from Miss Melongo's home?</p> <p>20 A Yes.</p> <p>21 Q Is that your handwriting on the first</p> <p>22 page of Exhibit 27 and the second page?</p> <p>23 A No, that's not.</p> <p>24 Q On Exhibit 27, the letters in the far</p>	<p style="text-align: right;">Page 196</p> <p>1 same person, Shahna Monge?</p> <p>2 A Yes.</p> <p>3 Q Miss Voita worked at the Illinois</p> <p>4 Attorney General Office's High Tech Crimes Unit,</p> <p>5 correct?</p> <p>6 A Correct.</p> <p>7 Q Did you speak with Miss Voita before she</p> <p>8 began her analysis of Miss Melongo's computers?</p> <p>9 A Yes.</p> <p>10 Q What did you discuss with Miss Voita?</p> <p>11 A At what point?</p> <p>12 Q Prior to her analysis of Miss Melongo's</p> <p>13 computers.</p> <p>14 A So in reference -- the discussion you</p> <p>15 are referring to, you want me to talk about, is</p> <p>16 just the forensic analysis portion?</p> <p>17 Q Did you discuss Miss Voita's forensic</p> <p>18 analysis before she started working on that</p> <p>19 analysis?</p> <p>20 A Yes, I did.</p> <p>21 Q What was the content of those</p> <p>22 conversation?</p> <p>23 A Basically providing her some information</p> <p>24 about the case and some of the items potentially,</p>

<p style="text-align: right;">Page 197</p> <p>1 the search warrant and evidence -- evidence --</p> <p>2 items of evidentiary value to the case.</p> <p>3 Q What items of evidentiary value did you</p> <p>4 provide her?</p> <p>5 A I believe I provided the search terms of</p> <p>6 Save a Life or SALF, anything relating to the 102</p> <p>7 address -- IP address. I don't recall if there</p> <p>8 were any others. There may have been, but I don't</p> <p>9 know.</p> <p>10 Q Those were search terms that you gave to</p> <p>11 Miss Voita?</p> <p>12 A Yeah, in reference to what some of the</p> <p>13 things we might have been looking for, we wanted to</p> <p>14 be able to have those be bookmarked within her</p> <p>15 analysis.</p> <p>16 Q So she would be able to specifically</p> <p>17 look for those terms within the contents of</p> <p>18 Miss Melongo's computers?</p> <p>19 A Correct, and she had a -- she knew the</p> <p>20 nature of the allegation being made, so she knew to</p> <p>21 look for emails and evidence of network intrusion,</p> <p>22 so to speak.</p> <p>23 Q Did you tell Miss Voita anything else</p> <p>24 before she started her forensic examination about</p>	<p style="text-align: right;">Page 199</p> <p>1 A I believe I spoke to Mr. French about</p> <p>2 it. I'm sure I spoke to the State's Attorney's</p> <p>3 Office about it.</p> <p>4 Q Do you recall your conversations with</p> <p>5 Mr. French about Miss Voita's analysis?</p> <p>6 A Nothing specifically other than -- I</p> <p>7 don't recall if I gave him a copy of the forensic</p> <p>8 summary or not. Nothing stands out, no.</p> <p>9 Q You referred to a forensic summary.</p> <p>10 Was that a report generated by</p> <p>11 Miss Voita?</p> <p>12 A It was.</p> <p>13 Q And you reviewed that forensic summary</p> <p>14 generated by Miss Voita?</p> <p>15 A I did.</p> <p>16 Q I'm handing you Plaintiff's Deposition</p> <p>17 Exhibit, it will be 28, CCSAO 003387 to 3391.</p> <p>18 (A document was marked Plaintiff's</p> <p>19 Deposition Exhibit Martin No. 28</p> <p>20 for identification.)</p> <p>21 MR. KAPLAN: 28?</p> <p>22 MS. SCHWARTZ: 28.</p> <p>23 By Ms. Schwartz:</p> <p>24 Q Exhibit 28 has a cover letter followed</p>
<p style="text-align: right;">Page 198</p> <p>1 her forensic exam?</p> <p>2 A No, not that I recall.</p> <p>3 Q Did she ask you any questions before she</p> <p>4 started her forensic examination?</p> <p>5 A Not that I recall.</p> <p>6 Q You testified that the search terms were</p> <p>7 SALF, Save a Life, anything related to the 102</p> <p>8 address we've been discussing.</p> <p>9 Do you recall any other search terms?</p> <p>10 A No, not off the top of my head.</p> <p>11 Q Did you talk to Miss Voita about her</p> <p>12 analysis while she was working on the forensic</p> <p>13 analysis?</p> <p>14 A I don't recall if there was any</p> <p>15 conversation during the analysis.</p> <p>16 Q Did you talk to Miss Voita about her</p> <p>17 analysis after it was finalized?</p> <p>18 A Other than her saying, you know, it's</p> <p>19 complete, come down and pick up your evidence and</p> <p>20 provide me, you know, a copy of the -- her forensic</p> <p>21 report, that was all I remember.</p> <p>22 Q Do you recall discussing Miss Voita's</p> <p>23 forensic analysis with anyone else other than</p> <p>24 Miss Voita?</p>	<p style="text-align: right;">Page 200</p> <p>1 by a document entitled at the top Office of the</p> <p>2 Attorney General, High Tech Crimes Bureau, Regional</p> <p>3 Computer Forensics Lab - Chicago.</p> <p>4 Is this the forensics summary to which</p> <p>5 you just referred?</p> <p>6 A Yes.</p> <p>7 Q The cover letter is dated September 26,</p> <p>8 2006. It says Dear Detective Martin, and then it's</p> <p>9 from Shahna Monge, whose name is now Shahna Voita.</p> <p>10 In September -- did you receive</p> <p>11 Miss Voita's report on September 26, 2006?</p> <p>12 A I don't recall if I got it that specific</p> <p>13 day. Let me just see when we got it. The 28th she</p> <p>14 contacted me, said the analysis was complete and</p> <p>15 the items were ready for -- to be returned to</p> <p>16 Schiller Park.</p> <p>17 Q So based on your police report,</p> <p>18 Exhibit 3, you received this document, Exhibit 28,</p> <p>19 on September 28th?</p> <p>20 A Correct.</p> <p>21 Q From Exhibit 28, she says she included a</p> <p>22 CD with the report of the forensic examination and</p> <p>23 hyperlinks of the findings.</p> <p>24 Did you also receive a CD from</p>

<p style="text-align: right;">Page 201</p> <p>1 Miss Voita?</p> <p>2 A I did.</p> <p>3 Q Did you review everything on the CD or</p> <p>4 did you just review the forensic summary?</p> <p>5 A I reviewed, yes.</p> <p>6 Q Did you have any conversation about the</p> <p>7 forensic report with Miss Voita on September 28th,</p> <p>8 the date you just mentioned when you picked up the</p> <p>9 report?</p> <p>10 A No, I don't recall, other than here's</p> <p>11 your stuff.</p> <p>12 Q I'm handing you the giant one, which is</p> <p>13 Plaintiff's Deposition Exhibit 28.</p> <p>14 MR. WUNDER: 29.</p> <p>15 THE WITNESS: 29.</p> <p>16 MS. SCHWARTZ: 29, excuse me. So it's a very</p> <p>17 long document starting Melongo_003423 to 003693,</p> <p>18 and this version to save paper, we also used for</p> <p>19 Miss Gunnigle's deposition.</p> <p>20 (A discussion was had off the</p> <p>21 record.)</p> <p>22 By Ms. Schwartz:</p> <p>23 Q It will be Martin 29. I'll represent to</p> <p>24 you it's the same exact document that was used in</p>	<p style="text-align: right;">Page 203</p> <p>1 after reviewing these reports in 2006, what did you</p> <p>2 determine that they showed with respect to the</p> <p>3 Save a Life allegations?</p> <p>4 A In going through the summary, things</p> <p>5 that stood out to me were the fact that she had</p> <p>6 this program called Go To My PC, which is a remote</p> <p>7 access program.</p> <p>8 The cookie file that had the Comcast IP</p> <p>9 ending in 102 that we're referring to, and that</p> <p>10 that cookie was written on 4/28/06 at</p> <p>11 9:43:13 hours. The fact that there were numerous</p> <p>12 instances of that same Comcast IP discovered</p> <p>13 throughout the report.</p> <p>14 The URL ftp 70.142.251.242, which is</p> <p>15 FTP, which is a file tile transfer protocol session</p> <p>16 that at some point in time was established with</p> <p>17 that particular site or computer -- I just wanted</p> <p>18 to verify something.</p> <p>19 (At this point in the deposition</p> <p>20 Ms. Ninfo left the room.)</p> <p>21 By Ms. Schwartz:</p> <p>22 Q Just for the record, you are referring</p> <p>23 to -- you are referring to items that are in</p> <p>24 Exhibit 28 that you found significant in</p>
<p style="text-align: right;">Page 202</p> <p>1 Gunnigle, Gunnigle's deposition.</p> <p>2 (A document was marked Plaintiff's</p> <p>3 Deposition Exhibit Martin No. 29</p> <p>4 for identification.)</p> <p>5 MS. SCHWARTZ: So Detective Martin's copy is</p> <p>6 single-sided. All the other ones I printed are</p> <p>7 double-sided.</p> <p>8 By Ms. Schwartz:</p> <p>9 Q Did you review Exhibit 29,</p> <p>10 Detective Martin?</p> <p>11 A It appears to be the forensic report.</p> <p>12 Q Is this -- without going through every</p> <p>13 page, is this the long forensic report that Shahna</p> <p>14 Voita sent you on September 28, 2006?</p> <p>15 A It appears to be, yes.</p> <p>16 Q I will not ask you to read every single</p> <p>17 page.</p> <p>18 A Thank God.</p> <p>19 Q Let's focus on Exhibit 28, the short</p> <p>20 forensic report summary.</p> <p>21 A Okay.</p> <p>22 Q First let me ask you a more general</p> <p>23 question.</p> <p>24 These two reports, Exhibit 28 and 29,</p>	<p style="text-align: right;">Page 204</p> <p>1 Miss Voita's forensic summary?</p> <p>2 A Correct.</p> <p>3 Q Okay.</p> <p>4 A Correct.</p> <p>5 Q Continue. I didn't mean to interrupt.</p> <p>6 A The URL of the http://mail.salf.org</p> <p>7 being one of the web addresses that were typed into</p> <p>8 the computer.</p> <p>9 Her reference to what she believes to be</p> <p>10 a user name and password of carol@savealife --</p> <p>11 excuse me -- carol@salf.org;herman for the website</p> <p>12 of www.salf.org:2095/webmail.</p> <p>13 Q That's a bullet point on CCSAO 003390?</p> <p>14 (At this point in the deposition</p> <p>15 Ms. Ninfo reentered the room.)</p> <p>16 THE WITNESS: That's correct. It's the fourth</p> <p>17 one down in regards to that being located on her</p> <p>18 device, and then the usage of that particular user</p> <p>19 name and password to be stored on her computer.</p> <p>20 The fact that the -- what appears to be</p> <p>21 another user name and password being typed into the</p> <p>22 URL of the same -- what is the same 70 address of</p> <p>23 the ftp site where it appears that this user name</p> <p>24 and password of sgholar@salf.org,</p>

<p style="text-align: right;">Page 205</p> <p>1 s-g-h-o-l-a-r8899.</p> <p>2 By Ms. Schwartz:</p> <p>3 Q Again, that's on CCSAO 003390?</p> <p>4 A Correct. It appears that -- what else?</p> <p>5 The fact that the emails associated and web pages</p> <p>6 associated with the email address of</p> <p>7 melongo_annabel@yahoo.com.</p> <p>8 Those were some of the things that</p> <p>9 really stood out to me as far as evidence.</p> <p>10 Q Let's walk through a few of those.</p> <p>11 First off, apart from the reference to</p> <p>12 the cookie file, which is on CCSAO 003389, none of</p> <p>13 these bullet points that you listed include any</p> <p>14 information on date or time, correct?</p> <p>15 A Correct.</p> <p>16 Q So they don't show when particular file</p> <p>17 or piece of data was accessed on Miss Melongo's</p> <p>18 computers, correct?</p> <p>19 A These bullet points do not, correct.</p> <p>20 Q And you testified that one of the things</p> <p>21 that was interesting to you was the Go To My PC</p> <p>22 references as Go To My PC as a remote access</p> <p>23 program, correct?</p> <p>24 A Correct.</p>	<p style="text-align: right;">Page 207</p> <p>1 accessor, have permission to access? Did you know</p> <p>2 that's how Go To My PC works?</p> <p>3 A No, I did not.</p> <p>4 Q Did you do any investigation as to</p> <p>5 whether Miss Melongo had permission to access any</p> <p>6 Save a Life Foundation computers using Go To My</p> <p>7 PC?</p> <p>8 A No, I did not.</p> <p>9 Q You testified that one of the other</p> <p>10 bullets that was of interest to you was the one on</p> <p>11 page CCSAO 003389 about a ftp site and an IP</p> <p>12 address associated with an ftp, that's the last</p> <p>13 bullet.</p> <p>14 Again, there is no date and time listed</p> <p>15 here for when a ftp was used?</p> <p>16 A Correct, it doesn't say.</p> <p>17 Q You were aware, were you not, that</p> <p>18 Miss Melongo was the IT administrator for</p> <p>19 Save a Life Foundation?</p> <p>20 A I was.</p> <p>21 Q And as the IT administrator, it wouldn't</p> <p>22 be surprising for her to have access to Save a Life</p> <p>23 files and systems, correct?</p> <p>24 MS. NINFO: Object to the speculation and</p>
<p style="text-align: right;">Page 206</p> <p>1 Q Again, there is no dates associated on</p> <p>2 Exhibit 27 -- 28, there is no dates associated with</p> <p>3 the Go To My PC uses, are there?</p> <p>4 MR. KAPLAN: On that exhibit?</p> <p>5 By Ms. Schwartz:</p> <p>6 Q On Exhibit 28.</p> <p>7 A No, nothing in there that -- on the</p> <p>8 summary.</p> <p>9 Q Isn't it true that to access another</p> <p>10 computer using Go To My PC, you first have to</p> <p>11 install Go To My PC software on the accessed</p> <p>12 computer?</p> <p>13 A I don't know if that's true or not.</p> <p>14 Q Did you ever ask or look to see if any</p> <p>15 Save a Life Foundation computers had Go To My PC</p> <p>16 installed on them?</p> <p>17 A No, I did not.</p> <p>18 Q Did you know that to access another</p> <p>19 computer using Go To My PC, you first have to</p> <p>20 register the accessed computer with Go To My PC?</p> <p>21 A No, I did not.</p> <p>22 Q Isn't it true that to access another</p> <p>23 computer using Go To My PC you have to register the</p> <p>24 computer to be accessed as a computer that you, the</p>	<p style="text-align: right;">Page 208</p> <p>1 form.</p> <p>2 MR. KAPLAN: I'll join.</p> <p>3 THE WITNESS: As an IT administrator having</p> <p>4 access makes sense.</p> <p>5 By Ms. Schwartz:</p> <p>6 Q Did you ask Miss Melongo, Miss Spizzirri</p> <p>7 or anyone else whether Miss Melongo had access to</p> <p>8 Save a Life servers and networks and computers</p> <p>9 while she was employed as an IT administrator?</p> <p>10 A I don't recall asking that specific</p> <p>11 question, no.</p> <p>12 Q Would that question have been relevant</p> <p>13 to your investigation?</p> <p>14 MS. NINFO: I'm sorry, are you asking when she</p> <p>15 was at work or outside of work, as an</p> <p>16 administrator? Are you talking about when she was</p> <p>17 working?</p> <p>18 MS. SCHWARTZ: Are you talking about time</p> <p>19 frame?</p> <p>20 MS. NINFO: Are you talking about her having</p> <p>21 access when she was at work?</p> <p>22 By Ms. Schwartz:</p> <p>23 Q I'm saying are you aware -- I'll ask</p> <p>24 another question to clarify.</p>

1 MS. NINFO: Okay.

2 By Ms. Schwartz:

3 Q Were you aware whether or not  
4 Miss Melongo as an IT administrator had access to  
5 Save a Life networks and servers on her personal  
6 computers?

7 A No, we were not aware of that.

8 Q Did you ask Miss Melongo or anyone else  
9 whether she had access on her personal devices and  
10 computers to Save a Life networks?

11 A I don't believe we ever asked that  
12 question, no.

13 Q Did you ever ask whether Miss Melongo as  
14 IT administrator had access to passwords for  
15 Save a Life Foundation employees?

16 A Ask who?

17 Q Miss Melongo or anyone else?

18 A I asked Miss Melongo and in her  
19 statement she said that she did have access to  
20 these things. I don't recall specifically asking  
21 whether or not we -- she had access to those  
22 passwords, as far as anybody at Save a Life, by  
23 asking them that question. I believe that  
24 information was provided to us voluntarily by

1 A Oh, I'm sure I looked through the  
2 report. I don't recall as to a specific bullet  
3 point having it within the report.

4 Q Were you aware that Miss Voita --  
5 Miss Spizzirri and Save a Life Foundation had  
6 accused Miss Melongo of accessing and deleting  
7 financial files from Save a Life Foundation?

8 A I believe that was in the initial  
9 report, they -- that was some of the items that  
10 they claimed were deleted off the servers.

11 Q In her analysis did Miss Voita or anyone  
12 else find any information on Miss Melongo's  
13 computers related to Save a Life financial  
14 documents or financial files?

15 A I don't recall. I'd have to look  
16 through the report to see if there was.

17 Q In the bullet points we just discussed  
18 of Exhibit 28, is there any indication that there  
19 was any Save a Life Foundation financial files on  
20 Miss Melongo's computers?

21 A Nothing specifically stated that I can  
22 see.

23 Q In Exhibit 28, the summary, the forensic  
24 summary, is there any -- any information that shows

1 someone there, said that she was the administrator  
2 and that she had those passwords.

3 Q So someone at Save a Life Foundation did  
4 tell you that Miss Melongo while she was IT  
5 administrator had access to passwords of Save a  
6 Life employees?

7 A I'm sorry, can you repeat that?

8 (The record was read.)

9 THE WITNESS: I believe so, yes.

10 By Ms. Schwartz:

11 Q With the exception to the reference of  
12 the cookie file in Exhibit 28, you testified that  
13 the other bullet points that we went over don't  
14 have dates or times listed in Exhibit 28.

15 Were there dates or times listed to any  
16 of the corresponding entries in the larger version  
17 of Miss Voita's report, Exhibit 29?

18 A I'd have to look to be sure.

19 Q You don't recall as we're sitting here  
20 today?

21 A Not as I recall, not without looking at  
22 it.

23 Q Did you check to see if Exhibit 29 had  
24 corresponding date and time entries in 2006?

1 that Miss Melongo actually forwarded an email from  
2 Miss Spizzirri's account to Miss Melongo's account  
3 on May 1, 2006?

4 A Nothing that specifically states that,  
5 no.

6 Q And there is nothing in Exhibit 28, the  
7 forensic report summary, that states that  
8 Miss Melongo accessed Save a Life servers and  
9 deleted data on April 28, 2006; is that right?

10 A Nothing specifically, no.

11 Q Did anyone ever tell you that additional  
12 forensic evidence would be necessary if intrusion  
13 charges were to be pursued against Miss Melongo?

14 A I believe Kyle French brought that to  
15 the State's Attorney's attention in our meeting  
16 with them -- what day was that -- October 30th of  
17 2006 it looks like.

18 Q What did Kyle French say during that  
19 meeting on October 30, 2006?

20 A I don't recall specifically what was  
21 said. There is nothing in the -- in my report that  
22 states specifically what was said.

23 Q Do you recall what specific additional  
24 forensics Mr. French discussed during that

1 August -- October 30, 2006 meeting?

2 A No, I do not.

3 Q Did you or anyone else at the  
4 October 30, 2006 meeting respond to Mr. French's  
5 suggestion that additional forensics would be  
6 necessary?

7 A I don't recall anybody doing it and I  
8 know I didn't do it.

9 Q You don't recall if the Assistant  
10 State's Attorney who was present said anything  
11 about whether or not there would be additional  
12 forensics?

13 A I don't recall.

14 Q Do you recall anything else about the  
15 October 30, 2006 meeting?

16 A Other than what's in my report, no.

17 Q At any other time did Kyle French or  
18 anyone else tell you that additional forensic  
19 evidence would be necessary if the intrusion  
20 charges were to be pursued against Miss Melongo?

21 A Not that I recall, no.

22 Q The only one you recall is that  
23 October 30, 2006 meeting?

24 A Correct.

1 Q What was the purpose of the October 30,  
2 2006 meeting?

3 A To -- an attempt to obtain criminal  
4 charges in this case, myself, Mr. French,  
5 Miss Monge we went and spoke with ASA, I think it's  
6 pronounced Biestek, B-i-e-s-t-e-k, discussing the  
7 case and presenting what evidence we had in the  
8 matter, in an attempt for them to approve a fel --  
9 felony charge.

10 Q And were you just reading from your  
11 report, Exhibit 3?

12 A Yes. Yes.

13 Q Do you have independent recollection --  
14 apart from the conversation with Mr. French about  
15 the forensics, additional forensics, do you recall  
16 anything else about that meeting apart from what's  
17 in your report?

18 A No, I do not.

19 Q Why was it necessary to go to Assistant  
20 State's Attorney's -- Assistant State's  
21 Attorney Biestek for a review of felony charges?

22 A Any time we have to get felony charges,  
23 it has to be reviewed by the State's Attorney's  
24 Office. So we made the appointment I believe to go

1 there and have all of us convene there at the same  
2 day and time in order to present it to a State's  
3 Attorney for review. It's standard practice.

4 Q It's only felony charges that require  
5 Assistant State's Attorney approval. Do  
6 misdemeanor charges also?

7 A Prior -- prior to actually formal  
8 charging in an arrest, yes.

9 Q Do you also need to seek Assistant  
10 State's Attorney approval for misdemeanor  
11 charges?

12 A No, we do not.

13 Q It's only for felony charges?

14 A Correct.

15 Q I'm handing you Plaintiff's Deposition  
16 Exhibit 30, CCSAO 002234 to 45.

(A document was marked Plaintiff's  
Deposition Exhibit Martin No. 30  
for identification.)

20 By Ms. Schwartz:

21 Q Is this a true and accurate copy of an  
22 email and attachment you sent to Kyle French on  
23 October 13, 2006?

24 A It appears to be, yes.

1 Q Why did you send this attachment to  
2 Kyle French on October 13, 2006?

3 A This was a continuation of the report  
4 that I had previously sent to him for review prior  
5 to the search warrant for Miss Melongo's home. And  
6 the -- I sent this to him so that he could review  
7 it so that he was aware of some of the -- how the  
8 case had progressed since the last time I updated  
9 him on it and prior to our meeting with  
10 ASA Biestek.

11 Q Did he make any suggestions, propose any  
12 edits to the narrative of your report?

13 A Not that I recall, no.

14 Q Did he -- independent of October 13,  
15 2006 did he ever make any suggestions or propose  
16 any edits to the content of your report,  
17 Exhibit 3?

18 A Not that I recall, no.

19 Q What happened after the October 30, 2006  
20 meeting in regards to the Save a Life Foundation  
21 investigation?

22 A I'm sorry, I'm not understanding the  
23 question as far as after this meeting, like --

24 Q I'll take a step back.

1 At the October 30, 2006 meeting were  
2 there any decisions made as to next steps?

3 A At that point -- yeah, at that point  
4 ASA Biestek had reviewed the reports and evidence  
5 that we had gathered at the time, and approved two  
6 felony counts of computer tampering against  
7 Miss Melongo.

8 Q Whose decision was it that charges would  
9 be brought against Miss Melongo?

10 A ASA Biestek.

11 Q Did you make any recommendations to  
12 ASA Biestek as to whether you thought charges  
13 should be pursued?

14 A No.

15 Q Did anyone ask you any questions about  
16 the evidence during that October 30, 2006  
17 meeting?

18 A I'm sure they did, but I don't recall  
19 what -- they were.

20 Q If you turn to your report, the final  
21 page of Exhibit 3, it says under 30 October 2006,  
22 ASA Biestek also stated he would continue to look  
23 into other charges that would be filed in this  
24 case; i.e., eavesdropping.

1 What does the reference to eavesdropping  
2 refer to?

3 A I believe that was in reference to  
4 Miss Melongo's statement as to viewing these emails  
5 over the course of time that she had been in the  
6 server, and the allegations made by someone at Save  
7 a Life, I forget, that her having privy to  
8 knowledge that only a certain select view within  
9 the company had and one of them was not  
10 Miss Melongo.

11 Q So based on that there was some -- there  
12 was some discussion whether eavesdropping charges  
13 would be appropriate?

14 A Correct.

15 Q To your knowledge were eavesdropping  
16 charges ever brought related to the Save a Life  
17 allegations that you just mentioned?

18 A Brought forth by the Cook County State's  
19 Attorneys -- or in reference to this investigation?

20 Q Yes.

21 A No, not that I know of.

22 Q Did you obtain an arrest warrant for  
23 Miss Melongo's arrest in this case?

24 A I did.

1 Q Did you prepare the arrest warrant?

2 A I don't recall if I specifically did or  
3 if that was done by the state and I went before the  
4 Judge and --

5 Q You went before the Judge?

6 A -- attested to it.

7 Yeah. I don't recall who prepared the  
8 actual document, but I went before the Judge to  
9 obtain it.

10 Q I'm handing Detective Martin Plaintiff's  
11 Deposition Exhibit 31, CCSAO 000752.

12 (A document was marked Plaintiff's  
13 Deposition Exhibit Martin No. 31  
14 for identification.)

15 By Ms. Schwartz:

16 Q Is Exhibit 31 the arrest warrant in this  
17 case?

18 A Yes.

19 Q It's dated October 31, 2006?

20 A Yes.

21 Q Did you make any statements to the Judge  
22 when you requested that he or she sign this arrest  
23 warrant?

24 A I just provided them with the facts of

1 the case as far as what the allegations were and  
2 what evidence we had collected.

3 Q Was that done -- was that an oral  
4 presentation or a written presentation?

5 A Oral.

6 Q Was anyone else present when you were  
7 before the Judge on -- was it October 31, 2006?

8 A Present from where, like whose office,  
9 like my department or --

10 Q Apart from the Judge and the Judge's  
11 staff, was anyone else present from your office,  
12 State's Attorney's Office, Save a Life  
13 Foundation?

14 A I believe there was a State's Attorney  
15 in the room. There usually is. I don't recall if  
16 anybody else was there, maybe a clerk or whoever.

17 Q Was Carol Spizzirri present when the  
18 arrest warrant was issued?

19 A I don't recall. I don't think so.

20 Q Would it refresh your recollection to  
21 look at your police report, Exhibit 3?

22 A Yeah, I'm going to look and see.

23 Q I turn your attention to October 30,  
24 2006 entry -- sorry, at the very end, the last full



<p style="text-align: right;">Page 221</p> <p>1 sentence?</p> <p>2 A Yes. So Miss Spizzirri was there to</p> <p>3 sign the complaint portion of this, in reference to</p> <p>4 this arrest warrant.</p> <p>5 Q And that was -- would have been the same</p> <p>6 day, same court proceeding as the arrest warrant?</p> <p>7 A Yes. Yes.</p> <p>8 Q What does signing the complaint</p> <p>9 entail?</p> <p>10 A That's kind of a vague question. I'm</p> <p>11 trying to think how to answer it.</p> <p>12 Can you rephrase the question?</p> <p>13 Q So Miss Spizzirri was present in court</p> <p>14 on October 31, 2006?</p> <p>15 A Correct.</p> <p>16 Q And the purpose was for her to lodge</p> <p>17 some sort of formal complaint against</p> <p>18 Miss Melongo?</p> <p>19 A To -- I guess the complainant comes</p> <p>20 to -- I don't want to say attest to the facts that</p> <p>21 are typed into the complaint, but basically show</p> <p>22 that they want to proceed on these charges that</p> <p>23 they -- I can't think of a better way of explaining</p> <p>24 it.</p>	<p style="text-align: right;">Page 223</p> <p>1 oath when she was before the Court on October 31,</p> <p>2 2006?</p> <p>3 A She would be sworn in prior to the</p> <p>4 reading of the body of the complaint, but I don't</p> <p>5 recall if she ever testified as to what</p> <p>6 that -- what was contained in it.</p> <p>7 Q In addition to the allegations related</p> <p>8 to the computer tampering and email intrusion,</p> <p>9 Carol Spizzirri also lodged a complaint about</p> <p>10 unauthorized charges on Save a Life's credit cards;</p> <p>11 is that correct?</p> <p>12 A I think it was credit cards and their</p> <p>13 Chase Bank account.</p> <p>14 Q What were those allegations?</p> <p>15 A There was some fraudulent charges that</p> <p>16 were made using I want to say it was an American</p> <p>17 Express Card, and then there was an ACH debit that</p> <p>18 occurred where money was taken out of the Chase --</p> <p>19 Safe a Life's Chase Bank account and used to pay a</p> <p>20 Comcast bill.</p> <p>21 Q Showing you Exhibit 32, CCSAO 000044 to</p> <p>22 45.</p> <p>23</p> <p>24</p>
<p style="text-align: right;">Page 222</p> <p>1 Q And to file the formal complaint, did</p> <p>2 Miss Spizzirri have to make any sort of</p> <p>3 presentation to the Judge?</p> <p>4 A I don't recall if she did or not.</p> <p>5 Q Normally do complaining witnesses have</p> <p>6 to make a presentation to the Judge when they file</p> <p>7 a formal complaint?</p> <p>8 A The Judge may ask some questions in</p> <p>9 regards to the case, but I don't recall if the</p> <p>10 Judge who issued this asked her any questions at</p> <p>11 the time.</p> <p>12 Q Did Miss Spizzirri sign anything in</p> <p>13 filing the complaint?</p> <p>14 A I don't know if she officially signed</p> <p>15 the complaint or not.</p> <p>16 Q Do complaining witnesses generally sign</p> <p>17 complaints?</p> <p>18 A Sometimes they do; sometimes they don't.</p> <p>19 It's just kind of how things transpire with the</p> <p>20 courts and the clerk.</p> <p>21 Q Are the complaints done by complaining</p> <p>22 witnesses generally speaking under oath?</p> <p>23 A Yes.</p> <p>24 Q So would Miss Spizzirri have been under</p>	<p style="text-align: right;">Page 224</p> <p>1 (A document was marked Plaintiff's</p> <p>2 Deposition Exhibit Martin No. 32</p> <p>3 for identification.)</p> <p>4 By Ms. Schwartz:</p> <p>5 Q Is Exhibit 32 an incident report of</p> <p>6 Schiller Park related to the allegations of credit</p> <p>7 card -- unauthorized credit card use?</p> <p>8 A It appears to be, yes.</p> <p>9 Q Is that your signature on the bottom?</p> <p>10 A No, that is not.</p> <p>11 Q Do you know whose signature that is?</p> <p>12 A I do.</p> <p>13 Q Whose signature is that?</p> <p>14 A I believe that is Officer Orocco,</p> <p>15 O-r-o-c-c-o I think is how it's spelled.</p> <p>16 Q And had you seen Exhibit 32 prior to</p> <p>17 today?</p> <p>18 A Yes.</p> <p>19 Q It says on the second page, the last</p> <p>20 line, the possible offender, Melongo, is an</p> <p>21 ex-employee and has tampered with computer files</p> <p>22 upon termination of employment.</p> <p>23 Did Carol Spizzirri ever say to you that</p> <p>24 she thought Miss Melongo was responsible for</p>

<p style="text-align: right;">Page 225</p> <p>1 unauthorized credit card use?</p> <p>2 A I don't specifically remember her saying</p> <p>3 that to me, but she obviously said it to the</p> <p>4 initial officer who took this report. And because</p> <p>5 of the time frame, I believe it was while we were</p> <p>6 still in -- it was roughly, what, 20 days or so</p> <p>7 after the intrusion that their accounts were being</p> <p>8 used, she believed that it was Annabel.</p> <p>9 Q Did you investigate the allegations</p> <p>10 related to credit card fraud and bank -- the bank</p> <p>11 account --</p> <p>12 A I did.</p> <p>13 Q -- use?</p> <p>14 And what did you find?</p> <p>15 A We -- I have to refer to my report with</p> <p>16 exactly what was we found from each one.</p> <p>17 On July 12th of '06, I spoke to Sharma</p> <p>18 S-h-a-r-m-a, Austin, A-u-s-t-i-n, Comcast Cable,</p> <p>19 who gave me information regarding the ACH debit and</p> <p>20 how -- I guess there was a problem with the</p> <p>21 subpoena, as far as the date that was on the</p> <p>22 subpoena. The date that was on it was a day after.</p> <p>23 The actual transaction occurred on the 21st, but</p> <p>24 didn't post to the account until May 22nd, so she</p>	<p style="text-align: right;">Page 227</p> <p>1 A Yes.</p> <p>2 Q Was there any other indication based on</p> <p>3 the evidence you reviewed for your investigation</p> <p>4 that Miss Melongo was involved in any unauthorized</p> <p>5 use of credit cards or bank statements -- bank</p> <p>6 accounts of Save a Life Foundation?</p> <p>7 A Not that I recall, no.</p> <p>8 Q And she was never arrested for any</p> <p>9 unauthorized use of credit card or bank account</p> <p>10 claims?</p> <p>11 A Not this specific claim, no. I don't</p> <p>12 recall any other.</p> <p>13 Q Didn't this -- the fact that</p> <p>14 Miss Melongo's name was not identified in this</p> <p>15 investigation of the unauthorized credit card use</p> <p>16 or bank account statements, didn't that suggest</p> <p>17 that someone else was involved in the credit card</p> <p>18 and bank account fraud?</p> <p>19 A We could never prove who was actually</p> <p>20 involved. We just had some information provided to</p> <p>21 us by the banks as far as the information that was</p> <p>22 provided to them when these transactions were</p> <p>23 made.</p> <p>24 Q Didn't the fact that you couldn't link</p>
<p style="text-align: right;">Page 226</p> <p>1 wanted to clarify that.</p> <p>2 But then later we received a response</p> <p>3 from them, on 13 July, showing that the ACH debit</p> <p>4 was applied to a Comcast account belonging to an</p> <p>5 Andrea Smith, with a Comcast account number, blah,</p> <p>6 blah -- a really long one.</p> <p>7 Q Did your investigation of the</p> <p>8 unauthorized use of credit cards and bank accounts</p> <p>9 ever reveal any link to Annabel Melongo?</p> <p>10 A The only link that I recall was one of</p> <p>11 the items found in Miss Melongo's apartment was one</p> <p>12 of the names that was listed as a point of</p> <p>13 reference for one of the transactions, was an</p> <p>14 ex-Save a Life employee, and we found this item in</p> <p>15 Miss Melongo's apartment with this person's name</p> <p>16 and I believe a phone number.</p> <p>17 And when I -- I believe when I was</p> <p>18 talking to Miss Melongo on the 20th of July of '06,</p> <p>19 I asked her about why she had this information and</p> <p>20 who this person was to her, and she stated that it</p> <p>21 was someone that used to work at Save a Life had</p> <p>22 contacted her and asked for help with her personal</p> <p>23 computer, something like that.</p> <p>24 Q Was that person Tanya Spears?</p>	<p style="text-align: right;">Page 228</p> <p>1 Miss Melongo to the credit card or bank account</p> <p>2 fraud alert you to the possibility that whoever did</p> <p>3 steal the credit card tried to erase that</p> <p>4 information by deleting Save a Life files on</p> <p>5 April 28, 2006?</p> <p>6 MR. KAPLAN: Object to form of the question.</p> <p>7 MS. NINFO: That's not in evidence.</p> <p>8 THE WITNESS: Can you repeat that?</p> <p>9 MR. KAPLAN: Do you understand the question?</p> <p>10 THE WITNESS: Not totally so I'm going to ask</p> <p>11 if she can repeat it.</p> <p>12 (The record was read.)</p> <p>13 MS. NINFO: Also incomplete hypothetical.</p> <p>14 THE WITNESS: No, it did not.</p> <p>15 By Ms. Schwartz:</p> <p>16 Q So in Exhibit 3, the last page, it says</p> <p>17 case closed at the end.</p> <p>18 What does that mean, case closed?</p> <p>19 A When -- at the completion of an</p> <p>20 investigation, we would either put case closed, in</p> <p>21 the sense that there -- unless there is further</p> <p>22 evidence comes forward or additional witness comes</p> <p>23 forward after the fact, at this point in time, we</p> <p>24 would -- we are closing the investigation and not</p>

1 going to pursue it any further, at least from  
2 Schiller Park's standpoint.

3 Q Did you pursue any additional  
4 investigation after this date, October 30, 2006?

5 A As far as investigations -- this  
6 investigation, no. Once this report was completed  
7 and submitted, I did nothing else, other than the  
8 attempt to reach out to Web HSP to provide their  
9 contact information.

10 Q Did you ever arrest or process  
11 Miss Melongo on the computer tampering charges?

12 A I did.

13 Q Was that on November 15, 2006?

14 A I don't recall the date. I believe  
15 there is a report that I completed, I think.

16 Q In the interest -- in the interest of  
17 time, do you recall in November 2006 processing  
18 Miss Melongo --

19 A YES.

20 Q -- on the warrant?

21 A Yes.

22 Q But Miss Melongo was not taken into  
23 custody that day; is that correct?

24 MR. KAPLAN: Did you say is it true she was

1 A I have no idea. I couldn't even tell  
2 you.

3 Q During that time period or from May of  
4 2006 till October 30, 2006, was every interaction  
5 you had with Miss Spizzirri documented in your  
6 police report, Exhibit 3?

7 A No, I don't think so. There -- there  
8 would have been conversations back and forth as far  
9 as like in -- as an example, the email she sent, I  
10 forget what the exhibit it was, when she sent it in  
11 2010 or whatever. She would call and just kind of  
12 want to know how things were going in the case and  
13 things like that, but.

14 Q And that was true even between May 2006  
15 and October 31, 2006 as well?

16 A Correct.

17 Q And then after October 31, 2006, she  
18 would also contact you periodically?

19 A Yeah. I couldn't recall how many times,  
20 but once in a while she'd call, you know.

21 Q Would she ask you for updates about the  
22 case? What were the purpose of the calls when you  
23 heard from her?

24 A I don't recall any specifics as to what

1 not taken into custody?

2 MS. SCHWARTZ: (Nodding head.)

3 MR. KAPLAN: Okay.

4 THE WITNESS: Well, she was in custody for the  
5 time frame that she was at Schiller Park, yes, she  
6 was in custody.

7 By Ms. Schwartz:

8 Q And after that she was released; is that  
9 correct?

10 A Correct. She was provided a bond, I  
11 believe. I don't recall if it was -- if she put  
12 money up or it was an I-bond.

13 Q After the November 2006 processing, what  
14 was your involvement in Miss Melongo's criminal  
15 case?

16 A Other than testifying at different  
17 points in times, I don't recall that there was  
18 any.

19 Q How often were you in contact with Carol  
20 Spizzirri between May of 2006 and the processing of  
21 Miss Melongo in November of 2006?

22 A I have no idea.

23 Q Would you guess it was weekly, monthly,  
24 more than weekly?

1 the conversations were about.

2 Q In total how many times have you met  
3 Miss Spizzirri in person?

4 A Less than ten.

5 Q What was your impression of Carol  
6 Spizzirri? How would you describe her?

7 A She's a -- she's a victim. She acts  
8 like a victim.

9 Q What does that mean she acts like a  
10 victim?

11 A Someone that, you know, who has been --  
12 a crime has been committed upon them. She's --  
13 they are always afraid that something else is going  
14 to happen to them. They are afraid that if they  
15 testify, there is going to be retribution, things  
16 like that.

17 Q Did Miss Spizzirri tell you she was  
18 afraid of retribution?

19 A I think in one of the emails, there is a  
20 mention of some sort of retribution. I forget what  
21 the actual line was. So she always was wondering  
22 that there could be additional attempts to get into  
23 some of the information that she had or her emails  
24 or whatever. She was always kind of afraid that

<p style="text-align: right;">Page 233</p> <p>1 something else was going to happen, and what was  2 going to happen next.  3 Q She was worried that Miss Melongo would  4 get into her emails?  5 A I don't think she specifically said  6 Miss Melongo, but she was always like a victim.  7 They always think something else is going to happen  8 or what's going to happen next. If this could  9 happen to me, what else could happen.  10 Q Did she ever -- apart from the  11 allegations that we've been discussing today, the  12 credit card, bank account and intrusion  13 allegations, did Miss Spizzirri ever bring any  14 other allegations to you related to Miss Melongo?  15 A There was an allegation that she  16 believed that was related to the intrusion that  17 happened on the 28th, some of the files that were  18 contained on one of the servers at the time of the  19 intrusion -- I'm trying to think what she called  20 it. It was like a book or training manual or  21 something along that lines that had been leaked to  22 the -- I forget who it was leaked to. I don't know  23 if it was the outside world or news agency or  24 something like that.</p>	<p style="text-align: right;">Page 235</p> <p>1 A I am.  2 Q Did you watch that news report?  3 A Yeah, I don't think I watched it  4 entirely, but I remember watching part of it,  5 yes.  6 MS. SCHWARTZ: Go off the record for just one  7 moment.  8 (A discussion was had off the  9 record.)  10 MS. SCHWARTZ: I'm showing you what's marked  11 Plaintiff's Deposition Exhibit 32.  12 THE REPORTER: 33.  13 MS. SCHWARTZ: 33, Attorney General 001846 to  14 1847.  15 (A document was marked Plaintiff's  16 Deposition Exhibit Martin No. 33  17 for identification.)  18 By Ms. Schwartz:  19 Q Look to the bottom two-thirds of the  20 first page of Exhibit 33.  21 Is that a true and accurate copy of an  22 email you sent to Miss Monge on November 20, 2006?  23 A A portion of it, yes.  24 Q You say, did you see Miss Spizzirri on</p>
<p style="text-align: right;">Page 234</p> <p>1 It was some protected document of some  2 sort that had been leaked that was one of the  3 things that she brought up, but I don't recall  4 anything else as we're sitting here.  5 Q Did you look into that allegation?  6 A I basically told her that we had no  7 information at that point in time because this was  8 after the case was closed and the defendant had  9 been charged.  10 She was trying to, you know, a year or  11 two later, trying to come back and say this was all  12 related to this intrusion. I said without further  13 evidence there is no way we're going to be able to  14 prove that it was coming from that intrusion.  15 Q So you didn't follow up after that?  16 A No.  17 Q What year was this conversation with  18 Miss Spizzirri, would you guess?  19 A I don't recall exactly, but it was after  20 the case had been concluded, I knew that.  21 Q Were you aware of an ABC News  22 investigative report that aired in November 2006  23 about Miss Spizzirri and the Save a Life  24 Foundation?</p>	<p style="text-align: right;">Page 236</p> <p>1 the ABC News last Thursday night. If you didn't,  2 check out the link below. You think our case is  3 shot now?  4 Why did you write you think our case is  5 shot now?  6 A Just based upon the allegations that --  7 Chuck Goudie I think was the one that did the  8 report. Based on the allegations that he was  9 trying to -- or not allegations, but the -- I'm  10 trying to think of the word. How he portrayed  11 Miss Spizzirri within the report.  12 Q How did Chuck Goudie portray  13 Miss Spizzirri in the ABC News report?  14 A I vaguely remember it being derogatory.  15 I don't specifically remember exactly what he said.  16 It was derogatory in the sense that there was  17 some -- the basis behind Miss Spizzirri's  18 Save a Life Foundation, that her -- how she  19 described why she had this -- why she created  20 Save a Life, there was apparently what Chuck Goudie  21 found was that the story that she told was  22 inaccurate.  23 Q Did Chuck Goudie ABC News report cause  24 you concern about your investigation of</p>

1 Miss Melongo?

2 A Not my investigation, no. I just  
3 presented it to Shahna, and just as a point of  
4 discussion, you know. Whether or not she -- what  
5 her thought was on the article or the investigation  
6 that he did.

7 Q Did you think that the allegations in  
8 the Chuck Goudie ABC News report called into  
9 question Miss Spizzirri's credibility?

10 A He said it, in regards to what he  
11 investigated. I had no reason to believe that she  
12 had -- was anything but truthful when she made the  
13 report with me.

14 Q Did anyone respond to your question in  
15 Exhibit 33, your question, do you think our case is  
16 shot now?

17 A I don't think so. I don't recall if  
18 Shahna responded in any way.

19 Q Did you ever discuss the ABC News  
20 investigation with Miss Monge, now Miss Voita,  
21 Mr. French, or anyone else?

22 A There was a discussion at the State's  
23 Attorney's Office in the Third District of  
24 Rolling Meadows. I can't tell you who was present,

1 but they were asking me if I knew about this  
2 investigation prior to the formal charging, I  
3 believe.

4 Q And by this investigation, whether you  
5 knew about the Chuck Goudie ABC News --

6 A Correct.

7 Q -- investigation?

8 A Correct.

9 Q What did you say?

10 A I said no, I didn't know anything about  
11 it until it was brought to my attention, you know,  
12 after the fact.

13 Q After the report was aired?

14 A Yes. Yes.

15 Q When did that conversation with the  
16 Rolling Meadows State's Attorney's Office take  
17 place?

18 A I don't recall. The report aired  
19 obviously a couple days before November 20th, so it  
20 had to be after that some time. I would assume  
21 shortly thereafter because the case was still being  
22 prosecuted by the Third District at that point.

23 Q Do you recall who was present at that  
24 meeting with the Rolling Meadows State's Attorney's

1 Office?

2 A I do not.

3 Q Do you recall anything else that was  
4 said during that meeting?

5 A No, I do not.

6 Q I'd like to discuss some of the  
7 allegations in the Chuck Goudie ABC News report.  
8 Mr. Goudie reported that Carol Spizzirri claimed to  
9 be a registered nurse in promoting the Save a Life  
10 Foundation, but as it turned out Carol Spizzirri  
11 was never a registered nurse.

12 Do you recall that allegation?

13 A Vaguely, yeah.

14 Q You learned about it around the time of  
15 the report?

16 A From whatever he said in the report,  
17 when he -- when I watched it.

18 Q The report by Chuck Goudie also stated  
19 that Miss Spizzirri had never worked as a nurse at  
20 a hospital even though she claimed in promoting  
21 Save a Life Foundation to have worked at a nurse --  
22 as a nurse at a hospital.

23 Do you remember that allegation from the  
24 ABC News report?

1 A Not specifically, no.

2 Q And none of this information on the  
3 ABC News report suggested to you that  
4 Miss Spizzirri was potentially unreliable as a  
5 complaining witness in your case?

6 MR. KAPLAN: Objection, asked and answered.

7 MS. NINFO: Objection, form.

8 THE WITNESS: Not to my case, no.

9 By Ms. Schwartz:

10 Q Did the ABC News report cause you any  
11 concern that Miss Spizzirri might have motives for  
12 seeking to blame Miss Melongo for loss of  
13 Save a Life Foundation financial records?

14 MS. NINFO: Objection to the speculation.

15 MR. KAPLAN: I'll join.

16 THE WITNESS: No.

17 By Ms. Schwartz:

18 Q Miss Spizzirri also publicly represented  
19 in promoting Save a Life Foundation that her  
20 daughter had died in a hit and run car accident and  
21 bled to death before emergency responders arrived.

22 Do you know that's what Miss Spizzirri  
23 promoted Save a Life -- how Miss Spizzirri promoted  
24 Save a Life Foundation?

1 A I remember it from his report, yes.  
 2 Q And Chuck Goudie in his report alleged  
 3 that certain parts of that story were not true; is  
 4 that correct?  
 5 A Correct.  
 6 Q Chuck Goudie in his report alleged that  
 7 Miss Spizzirri's daughter was not involved in a hit  
 8 and run car accident but was rather -- died in a  
 9 drunk driving single person car accident; is that  
 10 correct?  
 11 A I don't recall if it was a hit and run  
 12 accident or anything like that. I didn't even  
 13 think she died. I thought it was that they  
 14 reported it or she alleged that she died, but I  
 15 didn't think it was -- I thought it was something  
 16 else.  
 17 Q But you recall the Chuck Goudie ABC News  
 18 report had some allegations regarding inaccuracies  
 19 in Miss Spizzirri's account of how her daughter had  
 20 died?  
 21 A Correct.  
 22 Q And that didn't cause you concern  
 23 either?  
 24 A No.

1 Q Did you ever investigate the possibility  
 2 that Miss Spizzirri or someone at Save a Life  
 3 Foundation had destroyed files in order to cover up  
 4 those files?  
 5 A No.  
 6 MS. NINFO: I'm sorry, cover up what files?  
 7 MR. KAPLAN: The files that were destroyed, is  
 8 that what you mean?  
 9 MS. SCHWARTZ: I'll rephrase the question.  
 10 By Ms. Schwartz:  
 11 Q Did you ever investigate the possibility  
 12 that Carol Spizzirri or someone at Save a Life  
 13 Foundation had on or around April 28, 2006  
 14 destroyed Save a Life financial files as a means of  
 15 getting rid of those files?  
 16 A We investigated the network intrusion.  
 17 We -- at the point and times that I documented by  
 18 my report --  
 19 MR. KAPLAN: Just answer her question.  
 20 THE WITNESS: So we didn't investigate any  
 21 particular person at all at that point. We were  
 22 investigating the intrusion and what evidence we  
 23 could get from that investigation.  
 24

1 By Ms. Schwartz:  
 2 Q Well, starting on May 5, 2006,  
 3 Miss Melongo's name was mentioned as the target,  
 4 correct?  
 5 A Correct.  
 6 Q So you were investigating Miss Melongo  
 7 from the outset, correct?  
 8 A She was a person of interest, yes.  
 9 Q Did you ever investigate anyone other  
 10 than Miss Melongo as a possible suspect in the  
 11 Save a Life intrusion?  
 12 A No. No other suspects were developed.  
 13 Q Did you ever speak to Robert Podlasek  
 14 about the ABC News report by Chuck Goudie?  
 15 A I don't recall talking to Bob about it  
 16 at all.  
 17 Q I'm showing you Plaintiff's Deposition  
 18 Exhibit 34, CCSAO 007190.  
 19 (A document was marked Plaintiff's  
 20 Deposition Exhibit Martin No. 34  
 21 for identification.)  
 22 By Ms. Schwartz:  
 23 Q Does Exhibit 34 refresh your  
 24 recollection as to whether you spoke with

1 Robert Podlasek about the ABC News piece by  
 2 Chuck Goudie?  
 3 A Yes.  
 4 Q What do you recall about the discussions  
 5 with Robert Podlasek about the ABC News piece?  
 6 A Well, obviously I sent him the link to  
 7 the ABC News, the same one that I had sent to  
 8 Miss Monge on November 20th.  
 9 Q Did you talk to him before or after this  
 10 fax was sent on January 11, 2007?  
 11 A Based on what I wrote, I'd infer that I  
 12 did speak to him --  
 13 Q And this --  
 14 A -- or I mentioned it to him.  
 15 Q Exhibit 34, is that your handwriting on  
 16 Exhibit 34?  
 17 A Yes, it is.  
 18 Q And it's dated January 11, 2007, which  
 19 is six days before your testimony in the first  
 20 grand jury, correct?  
 21 A Correct.  
 22 Q Did you have any discussion with  
 23 Mr. Podlasek about whether it was appropriate to  
 24 seek an indictment against Miss Melongo in light of

1 the ABC News report?

2 A No.

3 Q Do you recall anything else about any  
4 discussions with Mr. Podlasek about the ABC News  
5 report?

6 A No.

7 Q Were you aware that at the time  
8 Miss Melongo was terminated from the Save a Life  
9 Foundation in April of 2006 there was an ongoing  
10 dispute between Carol Spizzirri and the temp agency  
11 Robert Half?

12 A We were made aware of it, but I can't  
13 recall as to how.

14 Q Did you consider that relevant to your  
15 analysis?

16 A It's a bit of information.

17 Q Were you aware that Carol Spizzirri had  
18 alleged that another temp employee other than  
19 Miss Melongo had destroyed or inappropriately  
20 accessed Save a Life computer files in 2006?

21 A I was never made aware of that that I  
22 can recall.

23 Q Have you seen the website  
24 www.illinoiscorruption.net?

1 A I was made aware of -- excuse me. I was  
2 made aware of it around that time.

3 Q Did you have any conversations with  
4 Carol Spizzirri about the Illinois Corruption  
5 website?

6 A I don't recall any specific  
7 conversations, no.

8 Q What did you think of the website  
9 illinoiscorruption.net?

10 A I don't recall my thoughts about it.  
11 Just that Miss Melongo was discussing her  
12 recollections of some of the things that were going  
13 on in regards to this investigation and posting  
14 documents from this investigation.

15 Q Including your police report, correct?

16 A Yeah, I believe that was one of the  
17 items that was up there.

18 Q Miss Melongo's descriptions of the  
19 investigation and prosecution on the website  
20 Illinois Corruption were not favorable, correct?

21 A I don't recall a specific, what she --  
22 the favorable results were towards, but based upon  
23 some of what I read, I remember it being negative  
24 towards myself and others that were involved in the

1 A I have.

2 Q When did you first learn of the website  
3 illinoiscorruption.net?

4 A I don't recall.

5 Q I'm handing you Plaintiff's Deposition  
6 Exhibit 35, Spizzirri000001071 to 1072.

7 (A document was marked Plaintiff's  
8 Deposition Exhibit Martin No. 35  
9 for identification.)

10 By Ms. Schwartz:

11 Q Is this an email exchange between you  
12 and Carol Spizzirri? At the top it says January 4,  
13 2010, but embedded are emails from November 2009.

14 A Yeah, it appears to be portions of them,  
15 yes.

16 Q And is this a true and accurate copy of  
17 an email you received from Miss Spizzirri?

18 A Portions of it, I believe, yeah.

19 Q If you turn to the last page there is a  
20 link to illinoiscorruption.net, which appears to  
21 have been forwarded to you November 12, 2009?

22 A Yes.

23 Q Were you aware of the Illinois  
24 Corruption website by November of 2009?

1 investigation.

2 Q In fact, on the website at a certain  
3 point she did accuse you of perjury, correct?

4 A Yes.

5 Q And she linked a copy of her motion to  
6 dismiss the indictment based on the alleged  
7 perjury, correct?

8 A I don't know if that was on there  
9 specifically.

10 Q How did you feel about the way you were  
11 portrayed on the Illinois Corruption website?

12 A I really had no thoughts on it either  
13 way.

14 Q How did you feel about the way the  
15 investigation and prosecution were portrayed on the  
16 Illinois Corruption website?

17 A That had no bearing on me at all.

18 Q I'm handing you Plaintiff's Deposition  
19 Exhibit 36, Spizzirri000001089 to 90.

20 (A document was marked Plaintiff's  
21 Deposition Exhibit Martin No. 36  
22 for identification.)

23 By Ms. Schwartz:

24 Q Is Exhibit 36 a true and accurate copy

<p style="text-align: right;">Page 249</p> <p>1 of a thread of emails between you and Carol 2 Spizzirri dated January 12, 2010? 3 A Yes, they -- it looks like the beginning 4 of it starts with an email that was sent to 5 Wendy Cohen by herself and then it has 6 Miss Melongo's email to me. 7 Q Miss Spizzirri's email to you you 8 mean? 9 A Correct. 10 Q And starting with the most recent email 11 on the top of the first page, Exhibit 36, the 12 subject says Re: Hi, Det. Martin - Carol calling - 13 stalking awareness month event. Then in the body 14 it says I'd like you apart of initiative - if you'd 15 agree. 16 What did you understand Miss Spizzirri 17 to mean by initiative? Did it relate to stalking, 18 what was in the subject line? 19 A I don't recall exactly what it was 20 about. 21 Q Did you ever get involved with 22 Miss Spizzirri's cyberstalking initiative or any 23 other initiative that Miss Spizzirri spearheaded? 24 A No, I did not.</p>	<p style="text-align: right;">Page 251</p> <p>1 A No, because she didn't live in 2 Schiller Park, and I believe at that point 3 Save a Life was already gone. 4 Q So you never investigated or looked into 5 any allegations of stalking by Miss Spizzirri? 6 A No, I did not. 7 Q In this email Miss Spizzirri invites you 8 to an event. You say I'm sorry but I have another 9 meeting I have to be at that morning. I would be 10 interested in attending other events should they 11 come up. 12 Did you ever attend any other events 13 that Miss Spizzirri invited you to? 14 A I did not. 15 Q Did you ever tell Miss Spizzirri that 16 you felt there was ample evidence to convict 17 Miss Melongo? 18 A I don't recall specifically saying that, 19 no. 20 MS. SCHWARTZ: Let's take a five-minute break. 21 (A recess was taken.) 22 By Ms. Schwartz: 23 Q I'm handing you Plaintiff's Deposition 24 Exhibit 37, which is Attorney General 001125</p>
<p style="text-align: right;">Page 250</p> <p>1 Q In the second line she writes, Lk Co 2 Sheriff's Det. Kathy Kates may call you related to 3 Annabel - took my report this morning, how my X and 4 her are co-spiriting by joint blogs. Podlasek said 5 he's been monitoring. 6 What did you understand Miss Spizzirri 7 to mean by that statement I just read? 8 A What she believed to be Miss Melongo and 9 her ex-husband writing blogs and -- yeah, writing 10 blogs together. That's all I know. 11 Q Did you ever talk to Miss Spizzirri 12 about Miss Melongo's website? 13 A Other than maybe the correspondence back 14 and forth of her providing the information, I don't 15 recall any specific conversations, though. 16 Q Did Miss Spizzirri ever ask you to look 17 into or bring to your attention any allegations 18 related to stalking or cyberstalking? 19 A I vaguely recall her asking me about it, 20 and I would have directed her towards her local 21 police department where she alleged these events 22 were occurring. 23 Q The local police department would not 24 have been Schiller Park?</p>	<p style="text-align: right;">Page 252</p> <p>1 through 35. 2 (A document was marked Plaintiff's 3 Deposition Exhibit Martin No. 37 4 for identification.) 5 By Ms. Schwartz: 6 Q Is Exhibit 37 a true and accurate copy 7 of the response you received from Yahoo in response 8 to the search warrant you issued on May 31, 2006? 9 A It appears to be. I don't know the 10 exact date. 11 Q The cover letter -- 12 A Correct. 13 Q -- appears to have been written June 16, 14 2006? 15 A Yes. 16 Q So did you receive this around that time 17 in June 2006? 18 A Yes, I believe I did. 19 Q I would like to direct your attention to 20 page -- if we're looking at the bottom right, the 21 last page, page Attorney General 001135. These are 22 instances in which the Yahoo user Melongo_Annabel 23 logged into the Yahoo account, is that your 24 understanding of what this represents?</p>



<p style="text-align: right;">Page 253</p> <p>1 A Yes. Someone that had access to that 2 account logged in at these particular dates and 3 times. 4 Q And for each entry there is an IP 5 address listed, a date and a time expressed in 6 Greenwich Mean Time? 7 A Correct. 8 Q So the alleged intrusion on Save a Life 9 Foundation's servers was in the early morning hours 10 of April 28, correct, -- 11 A Correct. 12 Q -- 2006? 13 A Correct. 14 Q If you look into the entries, there are 15 no entries from April 28, 2006, are there? 16 A No. There is one prior to it on 17 April 27th, in the evening hours. 18 Q But there is no entries on April 28th? 19 A No. 20 Q If you're looking at the April 27th 21 entry, there appears to be three different entries 22 of log-ins in Melongo_Annabel on April 27th? 23 A On this page, yes. 24 Q On this page. And only one of them, the</p>	<p style="text-align: right;">Page 255</p> <p>1 second page in the entry dated May 17, 2006, about 2 seven or eight lines down from the top it says 3 Mr. Barnes stated that -- stated he had no 4 knowledge of Miss Melongo having any other email 5 accounts other than the Yahoo mail account, but 6 stated that she does have a laptop that she uses 7 from time to time. 8 Mr. Barnes was an employee of 9 Save a Life Foundation, correct? 10 A Yes. 11 Q And he knew that Miss Melongo had a 12 laptop that she used, correct? 13 A Yes. 14 Q And did he tell you that Miss Melongo 15 used that laptop for work purposes? 16 A It doesn't say here. I don't recall him 17 saying that. 18 Q You also testified earlier about the 19 allegations of unauthorized credit card use and 20 bank account use on Save a Life Foundation's 21 accounts, correct? 22 A Yes. 23 Q Isn't it true that names identified in 24 the course of your investigation of those</p>
<p style="text-align: right;">Page 254</p> <p>1 last one, does appear to be that 102 IP address, 2 correct? 3 A Correct. 4 Q But that's on April 27th, correct? 5 A Correct. 6 Q So this didn't show that someone using 7 both the Melongo_Annabel Yahoo account and the 102 8 IP address logged in using that IP address on 9 April 28th, the date of the intrusion, correct? 10 A This particular document does not show a 11 date of June 28th -- I'm sorry -- of April 28th, 12 correct. 13 Q So this doesn't show anything about the 14 date of the alleged Save a Life intrusion, 15 correct? 16 A No, just the date prior to in the 17 evening hours. 18 Q You testified earlier that you didn't 19 know whether Miss Melongo had access to Save a Life 20 networks and servers on her personal computers; is 21 that correct? 22 A Correct. 23 Q I'd like to turn your attention to your 24 police report, Exhibit 3. If you look at the</p>	<p style="text-align: right;">Page 256</p> <p>1 allegations were Toni Smith and a Andrea Chase. 2 A Let me look back in the report. 3 Q I'm looking at page 5 of your report is 4 one mention of Andrea Chase? 5 A There is Toni Smith's that was -- I'm 6 trying to think of where we got that information 7 from right now. The gentlemen, Bob Curran, 8 C-u-r-r-a-n of American Express fraud department -- 9 Q What page are you reading? 10 A Page 3, May 19th of 2006, paragraph one, 11 two, three, four, received account statement from 12 Mr. Curran, and was able to contact a -- not sure 13 where this came from -- a person at Old Navy 14 customer research department, who provided me the 15 name that the items that were purchased using 16 Save a Life's credit cards was to be shipped to the 17 name of Toni, T-o-n-i, Smith, common spelling. 18 That was one. 19 Q And if you turn to page 5 of Exhibit 5, 20 someone at Comcast said one of the unauthorized 21 payments was in the name of an Andrea Chase about a 22 third of the way down the page on page 5? 23 A Correct, Andrea's Smith's address in 24 Maywood.</p>

1 Q Then if you turn to page 7, there is an  
 2 Andrea Smith at the top of page 7, related to --  
 3 A Correct.  
 4 Q -- one of these ACH debits?  
 5 None of the names that came up with  
 6 respect to the credit card or bank account used  
 7 related to Tanya Spears, correct?  
 8 A The name specifically, no, but the --  
 9 there is a June 5th of 2006, the representative  
 10 from Comcast stated that the account name that we  
 11 were referencing belonged to An -- a person by the  
 12 name of Andrea Smith with an address in Maywood,  
 13 but the associated email addresses to that account  
 14 were tspears4@comcast.net and wookie, w-o-o-k-i-e,  
 15 91@comcast.net.  
 16 Q So you thought T. Spears might relate to  
 17 Tanya Spears, a former SALF employee?  
 18 A Potentially, yes. Also, when we went  
 19 to, let's see, the house in Glendale Heights, I  
 20 think the address is the 700 Cynthia Lane in  
 21 Glendale Heights, one of the plate numbers came  
 22 back to a -- I'll spell it -- R-e-a-c-h-e-l-l-e,  
 23 Spears at that address.  
 24 Q So those are names that came up during

1 the course of your investigating the credit card  
 2 and bank account allegations?  
 3 A Correct.  
 4 Q Again, Miss Melongo's name never came up  
 5 in response to your research -- your investigation  
 6 into the credit card or bank account allegations?  
 7 A No, other than the fact that she had  
 8 Miss Spears' phone number.  
 9 Q I'm handing you plaintiff's deposition  
 10 Exhibit 38, Attorney General 001839.  
 11 (A document was marked Plaintiff's  
 12 Deposition Exhibit Martin No. 38  
 13 for identification.)  
 14 By Ms. Schwartz:  
 15 Q Is this a true and accurate copy of an  
 16 email you received from Kyle French dated July 20,  
 17 2009?  
 18 A It appears to be, yes.  
 19 Q In this email he asks that you contact  
 20 Don Peters and ask him for notes, reports, and  
 21 emails involving all work he did for Save a Life,  
 22 as well as any images of data that was in the  
 23 server he worked on.  
 24 Do you know why Kyle French was asking

1 you for this information on July 20, 2009?  
 2 A I don't recall.  
 3 Q Why didn't you or Mr. French have all of  
 4 that information, notes, reports, emails and images  
 5 at that time on July 20, 2009?  
 6 A The only information I had was initially  
 7 discussed in what we got from Don Peters sent to  
 8 me. I forget which exhibit that was earlier.  
 9 Q Which was an email and a letter,  
 10 correct?  
 11 A Correct, an email and the attachment.  
 12 Q Did you ever receive any additional  
 13 documents from Don Peters in or around July of  
 14 2009?  
 15 A I did not.  
 16 Q Did you ask for the documents after you  
 17 received this email from Kyle French, documents or  
 18 records?  
 19 A I don't recall if I reached out to him  
 20 or not.  
 21 Q The second part of this exhibit,  
 22 Exhibit 38, also requests names and addresses of  
 23 the others who tried to recover lost data along  
 24 with notes, reports, emails and any images of data

1 in the server.  
 2 Again, do you know why Mr. French was  
 3 asking you to look for that information in July of  
 4 2009?  
 5 A No, I do not.  
 6 Q Did you ask any other third-party  
 7 vendors for information regarding recovery efforts  
 8 to Save a Life Foundation in or around July 2009?  
 9 A Not that I recall, no.  
 10 Q Do you recall receiving any additional  
 11 information after July 20, 2009 from any such  
 12 vendors?  
 13 A No, I did not.  
 14 Q I'm handing you plaintiff's Deposition  
 15 Exhibit 39, CCSAO 002195 to 2196.  
 16 (A document was marked Plaintiff's  
 17 Deposition Exhibit Martin No. 39  
 18 for identification.)  
 19 By Ms. Schwartz:  
 20 Q Exhibit 39 appears to be a forward of an  
 21 email from Carol Spizzirri to Thomas DiCianni.  
 22 Have you ever seen Exhibit 39 before,  
 23 Detective Martin?  
 24 A No.

<p style="text-align: right;">Page 261</p> <p>1 Q I just want to point you to one portion 2 of this email. In the body on the first page of 3 Exhibit 39, second paragraph it states, we just 4 discovered that up till a few weeks ago Annabel has 5 had access into our server (have evidence) which 6 Martin has been monitoring from his Dept. computer. 7 And this is dated August 28, 2008.</p> <p>8 Were you monitoring anything related to 9 Miss Melongo or Save a Life servers in or around 10 August of 2008?</p> <p>11 A No.</p> <p>12 Q Do you know why Miss Spizzirri would say 13 that you were --</p> <p>14 A No.</p> <p>15 Q -- monitoring?</p> <p>16 A No.</p> <p>17 Q In the same paragraph of Exhibit 39, a 18 little bit further down it says Judge issued Martin 19 a subpoena for AT&amp;T to release all docs related to 20 our DSL/now static line to our mainframe, which 21 Martin has forward to Podlasek to amend felony 22 charges to four counts. Possible charges could be 23 brought against Robert Half.</p> <p>24 Did you -- were you involved in the</p>	<p style="text-align: right;">Page 263</p> <p>1 (A document was marked Plaintiff's 2 Deposition Exhibit Martin No. 40 3 for identification.)</p> <p>4 By Ms. Schwartz:</p> <p>5 Q Is this a true and accurate copy of an 6 email you sent to Carol Spizzirri on February 10, 7 2010?</p> <p>8 A It appears to be, yes.</p> <p>9 Q And if you turn to the earliest email in 10 the exchange, it's dated February 9, 2010 from 11 Carol Spizzirri to you. She writes, always 12 wonderful and reassuring talking with you, 13 exclamation mark. You'll always be my hero.</p> <p>14 Did you talk to Carol Spizzirri on or 15 around February 9, 2010?</p> <p>16 A I must have based upon what's written 17 here. I don't recall what was specifically said, 18 though.</p> <p>19 Q Did she ever call you -- in this email 20 she calls you her hero.</p> <p>21 Did she ever call you her hero in 22 person?</p> <p>23 A Not that I remember, no.</p> <p>24 Q She calls you in the -- a little above</p>
<p style="text-align: right;">Page 262</p> <p>1 preparation of a subpoena to AT&amp;T related to 2 documents coming to Save a Life Foundation?</p> <p>3 A Not that I remember, no.</p> <p>4 Q And were you involved in or around April 5 2 -- August 2008 in any discussions about amending 6 felony charges to four counts?</p> <p>7 A No.</p> <p>8 Q Were you -- were you ever involved in 9 discussions about whether to amend felony charges 10 to four counts with respect to Miss Melongo?</p> <p>11 A No.</p> <p>12 Q Were you ever involved in any 13 discussions about whether charges could be brought 14 against Robert Half?</p> <p>15 A No.</p> <p>16 Q Do you know why Miss Spizzirri suggests 17 that you were involved in Exhibit 39?</p> <p>18 A No.</p> <p>19 Q I'm handing you Plaintiff's Deposition 20 Exhibit 39.</p> <p>21 MR. KAPLAN: 40.</p> <p>22 THE WITNESS: 40.</p> <p>23 MS. SCHWARTZ: 40, excuse me. Thank you.</p> <p>24 Spizzirri000001091 to 92.</p>	<p style="text-align: right;">Page 264</p> <p>1 that, my dearest friend.</p> <p>2 Did you consider Carol Spizzirri a 3 friend?</p> <p>4 A I would never use that word, no. No.</p> <p>5 Q And why not?</p> <p>6 A She's an acquaintance. She's a victim. 7 I wouldn't use the term friend to describe her.</p> <p>8 Q Do you have any idea why she says it was 9 reassuring to talk with you? Did you reassure her 10 about anything around that time?</p> <p>11 A Apparently I did, but I don't recall 12 what it would be about.</p> <p>13 MR. KAPLAN: I'm just going to tell you not to 14 speculate. Testify to what you remember, okay.</p> <p>15 THE WITNESS: Okay.</p> <p>16 By Ms. Schwartz:</p> <p>17 Q In the next paragraph she writes, you 18 know I'm writing a book about this. Will leave a 19 chapter just for you, smiley face. Going to be -- 20 going to better seller than that Peter Heimlich 21 one. I won't forget to include Goudie's role, 22 smiley face. This email suggests that you spoke to 23 Miss Spizzirri at some point about Chuck Goudie's 24 ABC investigative report.</p>

1 Do you recall any such conversation  
2 about Chuck Goudie's investigative report with  
3 Carol Spizzirri?

4 A No.

5 Q You responded to this email on the top  
6 of Exhibit 40, I won't be in the office until  
7 1:00 p.m. on Friday. Unfortunately Thursday is no  
8 good. I'm tied up with other cases. This I think  
9 was in response to her asking about stopping by the  
10 office.

11 Did you ever meet up with Carol  
12 Spizzirri shortly after February 10, 2010?

13 A Not that I recall, no.

14 Q Were you trying to avoid meeting up with  
15 her? I see your email is quite curt.

16 A No, I...

17 Q No, you don't recall or no, you weren't  
18 avoiding her?

19 A No, I wasn't avoiding her.

20 Q I'm handing you Plaintiff's Deposition  
21 Exhibit 41, CCSAO 09122 to 23.

22 (A document was marked Plaintiff's  
23 Deposition Exhibit Martin No. 41  
24 for identification.)

1 you as her adopted son?

2 A No.

3 MR. KAPLAN: Are you her adopted son?

4 THE WITNESS: No.

5 MS. SCHWARTZ: I'm glad we got the record  
6 cleared up.

7 THE WITNESS: Thank you.

8 By Ms. Schwartz:

9 Q You testified at Miss Melongo's criminal  
10 trial, did you not?

11 A Yes, I did.

12 Q Prior to your trial testimony, did you  
13 speak with anyone about your trial testimony?

14 A I reviewed it with the State's  
15 Attorney's Office prior to making the testimony,  
16 yes.

17 Q Who did you meet with at the State's  
18 Attorney's Office prior to your trial testimony?

19 A I don't recall exactly who it was.

20 Q Do you recall what was said during those  
21 conversations prior to the trial?

22 A Not specific, no.

23 Q Do you recall how long you met with the  
24 State's Attorneys?

1 By Ms. Schwartz:

2 Q Is Exhibit 41 a true and accurate copy  
3 of an email you received from Carol Spizzirri on  
4 June 17, 2010?

5 A It appears to be.

6 Q You don't recall receiving this email,  
7 though?

8 A Not specifically, no.

9 Q In this email Carol Spizzirri says each  
10 of you have a gigantic amount of expertise in this  
11 new and growing war against cyberterror. She then  
12 mentions setting up a conference call.

13 Did you ever participate in a conference  
14 call related to cyberterror or cybercrimes set up  
15 by Miss Spizzirri?

16 A Not that I recall, no.

17 Q She says, halfway down the line, my  
18 adopted son Bill's cybertracking expertise is  
19 priceless.

20 Do you recall Miss Spizzirri ever  
21 referring to you in person or in email as her  
22 adopted son?

23 A No.

24 Q Do you have any idea why she referred to

1 A No, I don't.

2 Q Do you recall if any of the  
3 Assistant State's Attorneys you met with gave you  
4 any thoughts about your testimony?

5 A No, I don't recall.

6 Q Did you have any difficulty remembering  
7 any of the facts about which you were going to be  
8 asked to testify?

9 A I don't recall any, no.

10 Q Do you recall if they asked you any  
11 questions about your conversations with  
12 Miss Melongo on July 20, 2006?

13 A The State's Attorney's Office or on  
14 trial?

15 Q The State's Attorney's Office --

16 A Prior?

17 Q -- in your conversations prior to  
18 trial?

19 A I don't recall.

20 Q Apart from Assistant State's Attorneys  
21 involved in the trial, did you talk to anyone else  
22 before you testified at Miss Melongo's trial about  
23 your trial testimony?

24 A I don't -- I don't recall any.

1 Q Carol Spizzirri?  
 2 A I don't -- no, I didn't talk to her  
 3 about it.  
 4 Q Did you talk to Miss Voita about your  
 5 trial testimony?  
 6 A No.  
 7 Q Do you know the result of Miss Melongo's  
 8 computer tampering trial?  
 9 A I know she was acquitted in regards to  
 10 the charge of the email issue, yes.  
 11 Q Who told you that?  
 12 A One of the State's Attorneys after it  
 13 was over. I can't remember who it was.  
 14 Q What did that State's Attorney say?  
 15 A I don't recall specifically, just that  
 16 she was acquitted.  
 17 Q Were you disappointed when you learned  
 18 of the result of Miss Melongo's trial?  
 19 A No.  
 20 Q Why not?  
 21 A You win some; you lose some.  
 22 Q Other than the Assistant State's  
 23 Attorney did you speak to anyone else about the  
 24 result of Miss Melongo's trial?

1 (A document was marked Plaintiff's  
 2 Deposition Exhibit No. 42 for  
 3 identification.)  
 4 By Ms. Schwartz:  
 5 Q This is an email -- exhibit 42 is an  
 6 email from you to Kate Garcia dated September 11,  
 7 2013. You write thank you very much.  
 8 What was this response in response to?  
 9 What were you thanking Miss Garcia for?  
 10 A No idea.  
 11 Q To your knowledge does this have  
 12 anything to do with Miss Melongo's case or the  
 13 Save a Life investigation?  
 14 A No.  
 15 Q Detective Martin, did you have any  
 16 involvement in investigating or prosecuting  
 17 Miss Melongo for criminal eavesdropping?  
 18 A No.  
 19 Q Were you aware that Miss Melongo was  
 20 investigated and prosecuted for eavesdropping?  
 21 A Yes.  
 22 Q How did you become aware of that?  
 23 A I don't recall who specifically told  
 24 me.

1 A I'm sure I told the administration at  
 2 the Police Department what had happened, but.  
 3 Q Were you aware that just before trial  
 4 began two counts of the indictment against  
 5 Miss Melongo related to the alleged intrusion on  
 6 April 28, 2006 were dismissed?  
 7 A I vaguely remember it, yeah.  
 8 Q Do you have any reason why they were  
 9 dismissed?  
 10 A I have no idea.  
 11 Q Were you involved with any discussions  
 12 with anyone about dismissal or potential dismissal  
 13 of the first two counts of the indictment related  
 14 to the April 28, 2006 tampering allegation?  
 15 A I don't recall any specific  
 16 conversation.  
 17 Q Did anyone ever express concerns to you  
 18 about the content of your police report that we've  
 19 been talking about today, Exhibit 3?  
 20 A Not that I recall.  
 21 Q I'm handing you Plaintiff's Deposition  
 22 Exhibit 42, Martin 001275 to 1276.  
 23  
 24

1 Q But you were never asked to do anything  
 2 related to the eavesdropping allegations?  
 3 A No.  
 4 Q Did you have any involvement in  
 5 investigating or prosecuting Miss Melongo for  
 6 allegedly threatening a public official?  
 7 A No.  
 8 Q Were you aware that Miss Melongo was  
 9 investigated for threatening a public official?  
 10 A Yes.  
 11 Q How did you become aware of that?  
 12 A I don't recall.  
 13 Q Do you recall any conversations about  
 14 the allegations related to threatening a public  
 15 official?  
 16 A No.  
 17 Q You were suspended for one day from the  
 18 Schiller Park Police Department for misstating a  
 19 police report; is that correct?  
 20 A No, that's not correct.  
 21 Q Have you ever been suspended for one day  
 22 from the Schiller Park Police Department?  
 23 A Yes.  
 24 Q What was the reason for that

<p style="text-align: right;">Page 273</p> <p>1 suspension?</p> <p>2 A To -- failure to complete a report in a</p> <p>3 timely manner.</p> <p>4 Q What was the general facts related to</p> <p>5 that suspension?</p> <p>6 A It was a reference to a -- what the</p> <p>7 chief at the time thought to be a newsworthy case.</p> <p>8 The initial incident occurred on a Saturday</p> <p>9 evening. Our records department wasn't in on</p> <p>10 Sundays or on weekends at all. So there was -- the</p> <p>11 completion of the report wasn't done, and my intent</p> <p>12 was to finish it on that Sunday when I returned to</p> <p>13 work in the afternoon.</p> <p>14 The chief unfortunately saw that it</p> <p>15 hadn't been completed on Saturday, and he felt that</p> <p>16 he needed to have something that he could read to</p> <p>17 the news, should they call.</p> <p>18 Q And that was the basis for the</p> <p>19 suspension?</p> <p>20 A Correct.</p> <p>21 Q I'm handing you Plaintiff's Deposition</p> <p>22 Exhibit 43, Bates No. CCSAO 008375 to 8377.</p> <p>23</p> <p>24</p>	<p style="text-align: right;">Page 275</p> <p>1 A Correct.</p> <p>2 Q So it was an incorrect date in that</p> <p>3 sense?</p> <p>4 A No. The -- that was correct really what</p> <p>5 was written on the report, but ultimately it wasn't</p> <p>6 completed until later on on July 1st.</p> <p>7 Q Have you had any other -- apart from</p> <p>8 Exhibit 43 and what we've just been discussing,</p> <p>9 have you had any other disciplinary charges brought</p> <p>10 against you?</p> <p>11 A No.</p> <p>12 MS. SCHWARTZ: Just give me one moment.</p> <p>13 MR. KAPLAN: If you want, why don't we take</p> <p>14 one second -- you know, one minute, you can look</p> <p>15 through.</p> <p>16 Are you at a point where you're just</p> <p>17 looking to see if you have anything else?</p> <p>18 MS. SCHWARTZ: Yes. Let's go off the record.</p> <p>19 (A discussion was had off the</p> <p>20 record.)</p> <p>21 (A recess was taken.)</p> <p>22 MS. SCHWARTZ: All right. We are back on the</p> <p>23 record, and I have no further questions.</p> <p>24 MR. KAPLAN: I just have a couple of</p>
<p style="text-align: right;">Page 274</p> <p>1 (A document was marked Plaintiff's</p> <p>2 Deposition Exhibit Martin No. 43</p> <p>3 for identification.)</p> <p>4 By Ms. Schwartz:</p> <p>5 Q Is this a true and accurate copy of the</p> <p>6 order of suspension to which you just referred?</p> <p>7 A As I remember it, yes.</p> <p>8 Q This all happened in 1998, correct?</p> <p>9 A Yes.</p> <p>10 Q And the finding, I'm turning to the</p> <p>11 second page of this Exhibit 43, was that on 01 July</p> <p>12 you finally completed the report and erroneously or</p> <p>13 fallaciously indicated that the date/time of the</p> <p>14 report was 30 June 98/2055?</p> <p>15 A Correct.</p> <p>16 Q And your reason for completing this</p> <p>17 report a day later was you said because the records</p> <p>18 group was not open?</p> <p>19 A Correct. The date and time that he</p> <p>20 references as far as June 30, '98, 2055, that was</p> <p>21 the time that the -- I initially began the</p> <p>22 report.</p> <p>23 Q But it wasn't the time you actually</p> <p>24 completed the report?</p>	<p style="text-align: right;">Page 276</p> <p>1 questions. Then Chris is going to ask the rest of</p> <p>2 the questions, if that's okay.</p> <p>3 MS. SCHWARTZ: That's fine with me.</p> <p>4 EXAMINATION</p> <p>5 By Mr. Kaplan:</p> <p>6 Q Detective Martin, I just want to clarify</p> <p>7 something that's in the record to make sure that</p> <p>8 we're clear here.</p> <p>9 Miss Schwartz was asking you about the</p> <p>10 admissions made by Annabel Melongo in your July 20,</p> <p>11 2006 interview at her home.</p> <p>12 Do you remember that?</p> <p>13 A I do.</p> <p>14 Q And the details of her admission are set</p> <p>15 forth in your report, am I correct?</p> <p>16 A Correct. This is a summary of what she</p> <p>17 had said to us.</p> <p>18 Q And so in that interview she admitted to</p> <p>19 accessing the server to get her emails for up to</p> <p>20 about two weeks after her termination; is that</p> <p>21 correct?</p> <p>22 MS. SCHWARTZ: Objection, leading.</p> <p>23 THE WITNESS: Correct.</p> <p>24</p>

1 By Mr. Kaplan:  
2 Q And what else did she tell you with  
3 regard to -- well, did she tell you that she had  
4 viewed Miss Spizzirri's emails and forwarded them  
5 on to herself?

6 MS. SCHWARTZ: Objection, leading.

7 THE WITNESS: Yes, she did.

8 By Mr. Kaplan:

9 Q And to the extent that those admissions  
10 are set forth in your report, they are in your  
11 report because she actually said them?

12 MS. SCHWARTZ: Objection, leading.

13 THE WITNESS: Yes.

14 By Mr. Kaplan:

15 Q And what, if any, questions did  
16 ASA Podlasek ask you in your grand jury testimony  
17 with respect to those admissions?

18 A I don't recall him ever asking those  
19 questions.

20 MR. KAPLAN: That's all I have and then Chris  
21 has some questions.  
22  
23  
24

1 EXAMINATION

2 By Mr. Wunder:

3 Q Detective Martin, on Exhibit 28, which  
4 is the summary of the forensic report, if you could  
5 go to --

6 A One second.

7 Q -- what is the third page of the report  
8 and it's CCSAO 3390 is the Bates stamp.

9 A Okay.

10 Q And you touched on this briefly. The  
11 third, fourth and fifth bullet points at the top  
12 there, do you see those, discuss the URL for the  
13 mail server and then Carol Spizzirri user name and  
14 password, and then the information for someone with  
15 the last name Gholar.

16 Do you see that there?

17 A Yes.

18 Q And why was it concerning to you when  
19 you saw that in this report going back to when you  
20 were investigating this?

21 A Miss Melongo, being an IT administrator,  
22 it doesn't make sense as to why she would be typing  
23 this information into a URL. If she needed  
24 permission to go somewhere, she had it being the IT

1 administrator.

2 Q Okay. So in your opinion there was no  
3 real legitimate reason for her to be accessing  
4 these email accounts using their log-ins and  
5 passwords as set forth here; is that correct?

6 MS. SCHWARTZ: Objection, leading.

7 THE WITNESS: That was my interpretation of  
8 what -- what is shown here in the summary, yes.

9 By Mr. Wunder:

10 Q Okay. And then going to the Yahoo log,  
11 which is Exhibit 37, the last page of that counsel  
12 was asking you about these log-ins.

13 Do you see the last page there?

14 A Yes.

15 Q Okay. And there is no log-in for  
16 April 28th, correct?

17 A Correct.

18 Q Why did that not really concern you,  
19 though, when you were reviewing this particular  
20 log?

21 MS. SCHWARTZ: Objection, leading.

22 THE WITNESS: Only because it was logged -- it  
23 looks like there was a log-in hours beforehand, and  
24 no additional log-ins between the date of

1 April 27th and 29th. Leading me to believe that  
2 the computer -- the account had never been logged  
3 out.

4 By Mr. Wunder:

5 Q Okay. And is that your same response  
6 for the log-in on May 1, 2006?

7 MS. SCHWARTZ: Objection, leading.

8 THE WITNESS: Yeah, there is a log-in for  
9 May 1st at 15:41:53 Greenwich Mean Time.

10 By Mr. Wunder:

11 Q Okay. So when you saw this log, it was  
12 your belief that she was perhaps on-line at the  
13 time of the intrusion and also the forwarding of  
14 the emails; is that correct?

15 MS. SCHWARTZ: Objection, leading.

16 THE WITNESS: Yes, based upon the account  
17 information and the IP address, yes.

18 By Mr. Wunder:

19 Q And something else from your report that  
20 didn't -- counsel didn't go into too much.

21 You had a conversation with some  
22 representatives of the University of Missouri  
23 -Kansas City regarding Melongo; is that correct?  
24 A Correct.

1 Q And what were the results of those  
2 conversations?

3 A I spoke to -- let's see. I spoke to  
4 Professor Oguz, O-g-u-z, in reference to him  
5 receiving some emails from -- X-rated emails I  
6 believe they were that he was receiving, and he was  
7 reporting those to the campus police. And  
8 Sergeant Leach of the -- L-e-a-c-h, of the U of M  
9 KC campus police department provided me a copy of  
10 their report documenting the investigation, but  
11 that these emails were sent to Professor Oguz.

12 He believed it to be Miss Melongo or  
13 that Miss Melongo had some involvement but they  
14 could never prove it because she -- the time that  
15 these emails were sent, both her -- both  
16 Miss Melongo and her roommate were logged in at the  
17 same time.

18 Q And what was the relevance of this  
19 information to you in during your investigation?

20 A Just the fact that past practice of  
21 using email servers and sending these emails and  
22 trying to -- because they were sent anonymously it  
23 covered her tracks.

24 Q And during your investigation did you

1 that information to you?

2 A Just in the sense she's trying to atone  
3 for something that she may have done or maybe even  
4 see how much damage or how the damage -- the impact  
5 onto their system and their day-to-day life,  
6 similar to like an arsonist watching a fire that he  
7 lit and being in the crowd as the fire's going.

8 Q Okay. So that's sort of impression,  
9 something that your experience as a police officer  
10 is kind of -- kind of taught you; --

11 MS. SCHWARTZ: Objection.

12 By Mr. Wunder:

13 Q -- is that correct?

14 MS. SCHWARTZ: Objection, form.

15 THE WITNESS: Just gut principles, yeah.

16 By Mr. Wunder:

17 Q And also during the search warrant of  
18 Miss Melongo's apartment, did you locate a password  
19 list by her computer?

20 A Yeah. I believe that was one of the  
21 items that we recovered was a list of -- I don't  
22 know if it was user names or just names in general  
23 along with their passwords.

24 Q Okay. And who else saw that document

1 come to the belief that Miss Melongo harbored some  
2 animosity toward the Save a Life Foundation?

3 MS. SCHWARTZ: Objection, leading.

4 THE WITNESS: I recall in one of the emails, I  
5 forgot which exhibit it was, where she says I'll  
6 expose you or something like that.

7 By Mr. Wunder:

8 Q Okay. Based on that email what, if any,  
9 conclusions did you draw from that?

10 A Obviously she was unhappy with being  
11 terminated and then rejecting her request to help,  
12 so I took that as being she's -- she was upset.

13 Q Okay. And your report also details  
14 conversations you had with Save a Life employees  
15 where they indicated that she was calling and  
16 contacting them to come in and perhaps fix the  
17 computer system.

18 Do you recall that?

19 A Yeah. Also in that Exhibit 4, it shows  
20 that Annabel called X4, which I'm taking to mean  
21 four times, and stopped in three, showing that she  
22 had made multiple attempts to contact people  
23 there.

24 Q Okay. And what was the relevance of

1 there?

2 A I don't recall if it was -- which one of  
3 the forensic examiners, whether Miss Monge or  
4 Miss Haqqani, but.

5 Q They were the ones who actually located  
6 it; is that correct?

7 A Yes. I believe one of them saw it or  
8 found it, and then brought it to my attention  
9 after the -- after the fact, after they found it.

10 Q And where was it located when they found  
11 it?

12 A It was next to one of the computers or  
13 nearby one of the computers. I don't recall which  
14 one it was.

15 Q And were you informed by Save a Life  
16 that she -- that Melongo was supposed to turn in  
17 all of her password lists, her user ID lists or  
18 things of that effect upon her termination?

19 A I believe we were tendered a document or  
20 Miss Melongo's exit interview or something like  
21 that that she had signed, and in that document  
22 there was a statement similar to the effect of all  
23 of the personal property and anything relating to  
24 Save a Life be returned to them and that she was



1 not -- no longer to possess.

2 Q Okay. So is it your belief that she  
3 should not have had this document at her apartment  
4 at the time of the search warrant?

5 MS. SCHWARTZ: Objection, leading.

6 THE WITNESS: Yes.

7 MR. WUNDER: I believe that's all I have.

8 Eric did you have anything else? Yes,  
9 that's all I have.

10 MS. BROWN: No questions.

11 MS. NINFO: I have, real quick.

12 EXAMINATION

13 By Ms. Ninfo:

14 Q Detective Martin, did your investigation  
15 of Miss Melongo's computer tampering allegations,  
16 was that investigation based solely on the  
17 statements made by Carol Spizzirri?

18 A The entire investigation?

19 Q Correct.

20 A No.

21 Q Okay. Were the conclusions you drew as  
22 a result of that investigation based solely on the  
23 statements of Carol Spizzirri?

24 A No.

1 Q And were there allegations made by Carol  
2 Spizzirri against Annabel Melongo that were never  
3 further investigated by you?

4 A Yes.

5 MS. NINFO: Thank you. I have nothing  
6 further.

7 MS. SCHWARTZ: I have just a few follow-ups.  
8 I'm sorry, did you have any questions?

9 MS. CALLOWAY: No questions.

10 MS. SCHWARTZ: Just based on Mr. Wunder's  
11 questioning, I have a few follow-up questions.

12 FURTHER EXAMINATION

13 By Ms. Schwartz:

14 Q Detective Martin, related to your  
15 conversations with Professor Oguz at Roosevelt  
16 University, --

17 A Uh-huh.

18 Q -- did Mr. Oguz ever tell you why he  
19 believed Miss Melongo was behind the X-rated  
20 emails?

21 MR. WUNDER: Was that Roosevelt? You said  
22 Roosevelt. Is that Kansas City?

23 MS. SCHWARTZ: I'm sorry, let me rephrase the  
24 question. I misspoke.

1 By Ms. Schwartz:

2 Q Directing your attention to your  
3 conversations with Professor Oguz at Kansas City,  
4 Missouri - Kansas City, which is referred to in  
5 your Exhibit 3 in which Mr. Wunder asked about --  
6 which Mr. Wunder asked you some questions.

7 In your conversations with  
8 Professor Oguz, did he ever explain to you why he  
9 believed Miss Melongo was behind these X-rated  
10 emails?

11 A I don't recall him specifically stating,  
12 no.

13 Q Did you ask him why he believed  
14 Miss Melongo had something to do with the X-rated  
15 emails?

16 A I don't recall.

17 Q And based on your investigation you  
18 determined that Kansas City, Missouri -- University  
19 of Missouri - Kansas City could not determine if  
20 Miss Melongo was behind those X-rated emails,  
21 correct?

22 A That's what the police report from  
23 Sergeant Leach said, I believe.

24 Q In fact, you found out that the

1 University of Missouri - Kansas City couldn't  
2 determine if Miss Melongo was involved because it  
3 could have been her roommate who had access to the  
4 same internet system, correct?

5 A All I know is that her roommate was  
6 signed in the University's email server at the  
7 exact time that these anonymous emails were sent,  
8 both Miss Melongo and her roommate.

9 Q Mr. Wunder asked you a few questions  
10 about the email that Miss Melongo sent to  
11 Miss Spizzirri on May 1, 2006 in which she said --  
12 she called her a pathological liar and said I will  
13 expose you.

14 Did you ever ask Miss Spizzirri or  
15 Miss Melongo what I will expose you referred to?

16 A I don't recall any, no.

17 Q Did you ever consider that Miss Melongo  
18 had information about Miss Spizzirri that  
19 Miss Spizzirri had reason to cover up?

20 A I don't recall, no.

21 Q You just offered some testimony about  
22 the meaning of Carol Spizzirri's email to I believe  
23 it was Brian Salerno on May 1, 2006 in which she  
24 said that Miss Melongo stopped in four times and

1 called three times.

2 A Yes, Exhibit 4.

3 Q That's Exhibit 4.

4 MR. KAPLAN: Julia, I'm going to leave now.  
5 Chris -- you have only a few more minutes but I  
6 have to -- I have to run. Take care. Write down  
7 your cell phone and I'll call you.

8 MS. SCHWARTZ: I'm nearly done.

9 MR. KAPLAN: Thank you, everybody.

10 (At this point in the deposition

11 Mr. Kaplan left the room.)

12 By Ms. Schwartz:

13 Q So referring to Exhibit 5, Mr. Wunder  
14 asked you some questions about the email that Carol  
15 Spizzirri sent on May 1, 2006 in which she said  
16 Annabel called X3 and stopped in three?

17 MR. WUNDER: X4, sorry.

18 MS. SCHWARTZ: X4.

19 MR. WUNDER: You said X3, sorry.

20 By Ms. Schwartz:

21 Q Annabel called in X4 and stopped in  
22 three. And you speculated that you thought  
23 Miss Melongo might be trying to atone for  
24 something; is that correct?

1 tampering. So I don't -- I don't know. Sorry,  
2 maybe it's just a --

3 By Ms. Schwartz:

4 Q Well, this morning I asked you about the  
5 same email, think we found who - Annabel called X4  
6 and stopped in three.

7 This morning you testified that reading  
8 that email you weren't sure if that meant that  
9 Carol Spizzirri was accusing Miss Melongo of  
10 anything; is that --

11 A Correct.

12 Q -- is that correct?

13 A Correct.

14 Q Now you are interpreting that same email  
15 just a different -- the part of it about Annabel  
16 calling X4 and stopping in three, correct?

17 A Correct.

18 Q And you are interpreting the meaning of  
19 Miss Spizzirri's email on that day, correct?

20 A I'm interpreting what's written here as  
21 far as Miss Melongo's actions, of why she may be  
22 reaching out to them.

23 Q Did you consider the possibility that  
24 Miss Melongo was reaching out to help because she

1 A Yes.

2 Q What's the basis for that -- that  
3 thought that Miss Melongo was possibly trying to  
4 atone for something?

5 A Just in a sense that she's trying to  
6 stay involved with them, trying to maybe  
7 potentially get her job back, and being able to  
8 rectify the problem in a sense where if I know what  
9 the problem is, and I can fix it faster than  
10 somebody who doesn't know.

11 Q When we discussed this exhibit,  
12 Exhibit 5 this morning, you testified that you  
13 didn't recall if Miss Spizzirri in sending this  
14 email was trying to accuse Miss Melongo of  
15 tampering, wasn't that your testimony this  
16 morning?

17 A Correct.

18 Q So why do you now think that  
19 Miss Melongo was trying to atone for something when  
20 she stopped in to Save a Life Foundation's  
21 offices?

22 MR. WUNDER: Well, I think you are asking two  
23 different questions. I think the one from this  
24 morning, she is not accusing her of computer

1 has expertise in IT-related areas?

2 A Potentially, yes.

3 Q Did you consider that when you did the  
4 investigation?

5 A Yes.

6 MS. SCHWARTZ: I have nothing further.

7 MR. WUNDER: All right. We're all set. Let's  
8 go ahead and reserve, just because I think Eric  
9 would want to, so we'll reserve signature.

11 DEPOSITION CONCLUDED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION  
ANNABEL MELONGO, )

)  
Plaintiff, )

)  
vs. ) No. 13-cv-04924

)  
ASA ROBERT PODLASEK, et al., )

)  
Defendants. )

I, DETECTIVE WILLIAM MARTIN, being first  
duly sworn, on oath, say that I am the deponent in  
the aforesaid deposition, and that I have read the  
foregoing transcript of my deposition, consisting  
of pages 1 through 295, inclusive, taken on  
May 8, 2018, at the aforesaid place and that the  
foregoing is a true and correct transcript of my  
testimony so given.

\_\_\_\_\_ corrections were made  
\_\_\_\_\_ no corrections were made

\_\_\_\_\_  
DETECTIVE WILLIAM MARTIN

SUBSCRIBED AND SWORN TO  
before me this \_\_\_\_\_ day  
of \_\_\_\_\_ A.D., 2018.

\_\_\_\_\_  
NOTARY PUBLIC

for nor in any way related to any of the parties to  
this suit, nor am I in any way interested in the  
outcome thereof.

IN TESTIMONY WHEREOF, I have hereunto set  
my hand and seal this 24th day of May, 2018.

*Marybeth Roessler*



NOTARY PUBLIC  
WILL COUNTY, ILLINOIS  
CSR NO. 084-002864  
CSR Expires: May 31, 2019

STATE OF ILLINOIS )  
)SS:

COUNTY OF WILL )

I, MARYBETH ROESSLER, a notary public  
within and for the County of Will and State of  
Illinois, do hereby certify that DETECTIVE WILLIAM  
MARTIN personally appeared before me on May 8,  
2018, as a witness in a cause now pending and  
undetermined in the United States District Court,  
Northern District of Illinois, Eastern Division,  
wherein Annabel Melongo is Plaintiff and ASA Robert  
Podlasek, et al., are Defendants, No. 13-cv-04924.

I further certify that the said  
DETECTIVE WILLIAM MARTIN was by me first duly sworn  
to testify the truth, the whole truth and nothing  
but the truth in the cause aforesaid before the  
taking of his deposition; that the testimony given  
was stenographically recorded in the presence of  
said witness by me, and afterwards reduced to  
typewriting, and that the foregoing is a true and  
correct transcript of said testimony.

I further certify that there were present  
at the taking of this deposition the aforementioned  
counsel.

I further certify that I am not counsel

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION  
ANNABEL MELONGO, )

)  
Plaintiff, )

)  
vs. ) No. 13-cv-04924

)  
ASA ROBERT PODLASEK, et al., )

)  
Defendants. )

THE CHANGES IN MY TESTIMONY ARE AS  
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DETECTIVE WILLIAM MARTIN

